

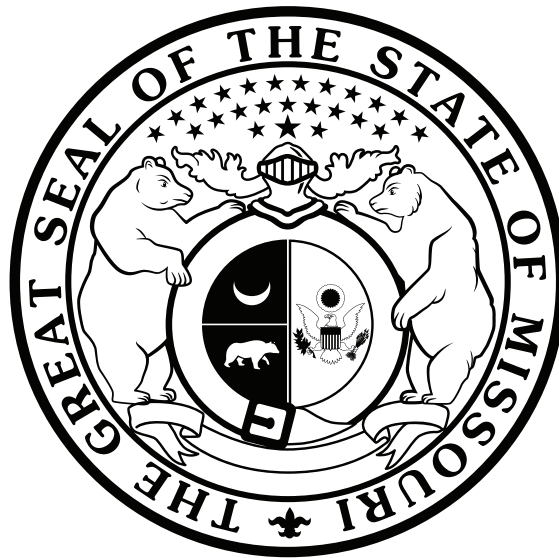
STATE COMMITTEE OF PSYCHOLOGISTS

PSYCHOLOGY PRACTICE ACT AND RULES

STATUTES: 337.010 TO 337.093

RULES: 20 CSR 2235-1.010 TO 20 CSR 2235-7.050

STATE OF MISSOURI



ISSUED BY:

STATE COMMITTEE OF PSYCHOLOGISTS

3605 MISSOURI BOULEVARD

P.O. BOX 1335

JEFFERSON CITY, MISSOURI 65102

(573) 751-0099

FAX (573) 526-0661

TTY 800-735-2966

VOICE RELAY 800-735-2466

<http://www.pr.mo.gov/psychologists>

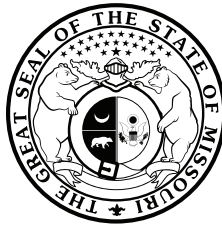
E-MAIL: scop@pr.mo.gov

The Honorable Michael L. Parson
Governor

Chlora Lindley-Myers, Director
Department of Commerce and Insurance

Sheila Solon, Division Director
Division of Professional Registration

STATE COMMITTEE OF PSYCHOLOGISTS



STATE OF MISSOURI
PROFESSIONAL REGISTRATION

This booklet is a publication of the Missouri Division of Professional Registration,
State Committee of Psychologists,
P.O. Box 1335, Jefferson City, Missouri 65102 (573) 751-0099

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Revocation: Effective July 1, 2003, all persons and business entities renewing a license with the Division of Professional Registration are required to have paid all state income taxes and are also required to have filed all necessary state income tax returns for the preceding three years. If you have failed to pay your taxes or have failed to file your tax returns, your license will be subject to immediate revocation within 90 days of being notified by the Missouri Department of Revenue of any delinquency or failure to file. This requirement was enacted in House Bill 600 of the 92nd General Assembly (2003) and was signed into law by the governor on July 1, 2003.

Suspension: In 1997, the legislature enacted sections 454.1000 through 454.1031, RSMo, setting forth a process for suspending professional licenses if a person has failed to pay court-ordered child support. In the 2003 legislative session, the General Assembly transferred the legal enforcement of these provisions directly to the Missouri attorney general's office, effective July 1, 2003. You should be aware that the attorney general is now aggres-

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STATUTES

Chapter 337

337.010. Definitions.

As used in sections 337.010 to 337.090 the following terms mean:

- (1) "Committee", the state committee of psychologists;
- (2) "Department", the department of commerce and insurance;
- (3) "Division", the division of professional registration;
- (4) "Internship", any supervised hours that occur during a formal internship of twelve to twenty-four months after all academic course work toward a doctorate has been completed but prior to completion of the full degree. Internship is part of successful completion of a doctorate in psychology, and a person cannot earn his or her doctorate without completion of an internship;
- (5) "Licensed psychologist", any person who offers to render psychological services to individuals, groups, organizations, institutions, corporations, schools, government agencies or the general public for a fee, monetary or otherwise, implying that such person is trained, experienced and licensed to practice psychology and who holds a current and valid, whether temporary, provisional or permanent, license in this state to practice psychology;
- (6) "Postdoctoral experiences", experiences that follow the completion of a person's doctoral degree. Such person shall not be licensed until he or she satisfies additional supervised hours. Postdoctoral experiences shall include any supervised clinical activities following the completion of the doctoral degree;
- (7) "Predoctoral postinternship", any supervised hours that occur following completion of the internship but prior to completing the degree. Such person may continue to provide supervised clinical services even after his or her internship is completed and while still completing his or her doctoral degree requirements;
- (8) "Preinternship", any supervised hours acquired as a student or in the course of seeking a doctorate in psychology but before the internship, which includes supervised practicum;
- (9) "Provisional licensed psychologist", any person who is a graduate of a recognized educational institution with a doctoral degree in psychology as defined in section 337.025, and who otherwise meets all requirements to become a licensed psychologist except for passage of the licensing exams, oral examination and completion of the required period of postdegree supervised experience as specified in subsection 2 of section 337.025;
- (10) "Recognized educational institution":
 - (a) A school, college, university or other institution of higher learning in the United States, which, at the time the applicant was enrolled and graduated, had a graduate program in psychology and was accredited by one of the regional accrediting associations approved by the Council on Postsecondary Accreditation; or
 - (b) A school, college, university or other institution of higher learning outside the United States, which, at the time the applicant was enrolled and graduated, had a graduate program in psychology and maintained a standard of training substantially equivalent to the standards of training of those programs accredited by one of the regional accrediting associations approved by the Council of Postsecondary Accreditation;
- (11) "Temporary license", a license which is issued to a person licensed as a psychologist in another jurisdiction, who has applied for licensure in this state either by reciprocity or endorsement of the score from the Examination for Professional Practice in Psychology, and who is awaiting either a final determination by the committee relative to such person's eligibility for licensure or who is awaiting the results of the jurisprudence examination or oral examination.

(L. 1977 H.B. 255 § 1, A.L. 1981 S.B. 16, A.L. 1989 H.B. 738 & 720, A.L. 1998 H.B. 1601, et al. merged with S.B. 732, A.L. 2008 S.B. 788, A.L. 2017 S.B. 501)

337.015. Practice of psychology regulated--practice of psychology, defined.

1. No person shall represent himself as a psychologist in the state of Missouri unless he is validly licensed and registered under the provisions of this chapter. No person shall engage in the practice of psychology in the state of Missouri unless he is validly licensed and registered under the provisions of this chapter unless otherwise exempt under the provisions of sections 337.010 to 337.090.
2. A person represents himself as a "psychologist" within the meaning of this chapter when he holds himself out to the public by any title or description of services incorporating the words "psychology", "psychological", or "psychologist", or any term of like import, "psychometry", "psychometrics", "psychometrist", "psychotherapy", "psychotherapists", "psychoanalysis", "psychoanalyst", or variants thereof or when the person purports to be trained, experienced or an expert in the field of psychology, and offers to render or renders services as defined below to individuals, groups, organizations, or the public for a fee, monetary or otherwise; provided, however, that professional counselors licensed to practice under this chapter, or a physician licensed to practice pursuant to chapter 334, RSMo, who specializes in psychiatry, may use any of such terms except "psychology", "psychological", or "psychologist" so long as such is consistent with their respective licensing laws.
3. The "practice of psychology" within the meaning of this chapter is defined as the observation, description, evaluation, interpretation, treatment, and modification of human behavior by the application of psychological principles, methods, and procedures, for the purpose of preventing, treating, or eliminating symptomatic, maladaptive, or undesired

behavior and of enhancing interpersonal relationships, work and life adjustment, personal effectiveness, behavioral health, and mental health. The practice of psychology includes, but is not limited to, psychometric or psychological testing and the evaluation or assessment of personal characteristics, such as intelligence, personality, abilities, interests, aptitudes, and neuropsychological functioning; counseling, psychoanalysis, psychotherapy, hypnosis, biofeedback, and behavior analysis and therapy; diagnosis and treatment of mental and emotional disorder or disability in both inpatient and outpatient settings, alcoholism and substance abuse, disorders of habit or conduct, as well as the psychological aspects of physical illness, accident, injury, or disability; psychoeducational evaluation, therapy, remediation, and consultation; and teaching and training of psychological competence. Psychological services may be rendered to individuals, families, groups, and the public. The practice of psychology shall be construed within the meaning of this definition without regard to whether payment is received for services rendered.

4. The application of these principles and methods includes, but is not restricted to: diagnosis, prevention, treatment, and amelioration of adjustment problems and emotional and mental disturbances of individuals and groups; hypnosis; counseling; educational and vocational counseling; personnel selection and management; the evaluation and planning for effective work and learning situations; advertising and market research; and the resolution of interpersonal and social conflicts.

(L. 1977 H.B. 255 § 2, A.L. 1981 S.B. 16, A.L. 1989 H.B. 738 & 720)

337.020. Temporary, provisional or permanent licenses, application, qualifications, examinations, fees.

1. Each person desiring to obtain a license, whether temporary, provisional or permanent, as a psychologist shall make application to the committee upon such forms and in such manner as may be prescribed by the committee and shall pay the required application fee. The form shall include a statement that the applicant has completed two hours of suicide assessment, referral, treatment, and management training that meets the guidelines developed by the committee. The committee shall not charge an application fee until such time that the application has been approved. In the event that an application is denied or rejected, no application fee shall be charged. The application fee shall not be refundable. Each application shall contain a statement that it is made under oath or affirmation and that its representations are true and correct to the best knowledge and belief of the person signing the application, subject to the penalties of making a false affidavit or declaration.

2. Each applicant, whether for temporary, provisional or permanent licensure, shall submit evidence satisfactory to the committee that the applicant is at least twenty-one years of age, is of good moral character, and meets the appropriate educational requirements as set forth in either section 337.021 or 337.025, or is qualified for licensure without examination pursuant to section 337.029. In determining the acceptability of the applicant's qualifications, the committee may require evidence that it deems reasonable and proper, in accordance with law, and the applicant shall furnish the evidence in the manner required by the committee.

3. The committee with assistance from the division shall issue a permanent license to and register as a psychologist any applicant who, in addition to having fulfilled the other requirements of sections 337.010 to 337.090, passes the examination for professional practice in psychology and such other examinations in psychology which may be adopted by the committee, except that an applicant fulfilling the requirement of section 337.029 shall upon successful completion of the jurisprudence examination and completion of the oral examination be permanently licensed without having to retake the examination for professional practice in psychology.

4. The committee, with assistance from the division, shall issue a provisional license to, and register as being a provisionally licensed psychologist, any applicant who is a graduate of a recognized educational institution with a doctoral degree in psychology as defined in section 337.025, and who otherwise meets all requirements to become a licensed psychologist, except for passage of the national and state licensing exams, oral examination and completion of the required period of postdegree supervised experience as specified in subsection 2 of section 337.025.

5. A provisional license issued pursuant to subsection 4 of this section shall only authorize and permit the applicant to render those psychological services which are under the supervision and the full professional responsibility and control of such person's postdoctoral degree licensed supervisor. A provisional license shall automatically terminate upon issuance of a permanent license, upon a finding of cause to discipline after notice and hearing pursuant to section 337.035, upon the expiration of one year from the date of issuance whichever event first occurs, or upon termination of supervision by the licensed supervisor. The provisional license may be renewed after one year with a maximum issuance of two years total per provisional licensee. The committee by rule shall provide procedures for exceptions and variances from the requirement of a maximum issuance of two years due to vacations, illness, pregnancy and other good causes.

6. The committee, with assistance from the division, shall immediately issue a temporary license to any applicant for licensure either by reciprocity pursuant to section 337.029, or by endorsement of the score from the examination for professional practice in psychology upon receipt of an application for such licensure and upon proof that the applicant is either licensed as a psychologist in another jurisdiction, is a diplomate of the American Board of

Professional Psychology, or is a member of the National Register of Health Services Providers in Psychology.

7. A temporary license issued pursuant to subsection 6 of this section shall authorize the applicant to practice psychology in this state, the same as if a permanent license had been issued. Such temporary license shall be issued without payment of an additional fee and shall remain in full force and effect until the earlier of the following events:

(1) A permanent license has been issued to the applicant following successful completion of the jurisprudence examination and the oral interview examination;

(2) In cases where the committee has found the applicant ineligible for licensure and no appeal has been taken to the administrative hearing commission, then at the expiration of such appeal time; or

(3) In cases where the committee has found the applicant ineligible for licensure and the applicant has taken an appeal to the administrative hearing commission and the administrative hearing commission has also found the applicant ineligible, then upon the rendition by the administrative hearing commission of its findings of fact and conclusions of law to such effect.

8. Written and oral examinations pursuant to sections 337.010 to 337.090 shall be administered by the committee at least twice each year to any applicant who meets the educational requirements set forth in either section 337.021 or 337.025 or to any applicant who is seeking licensure either by reciprocity pursuant to section 337.029, or by endorsement of the score from the examination of professional practice in psychology. The committee shall examine in the areas of professional knowledge, techniques and applications, research and its interpretation, professional affairs, ethics, and Missouri law and regulations governing the practice of psychology. The committee may use, in whole or in part, the examination for professional practice in psychology national examination in psychology or such other national examination in psychology which may be available.

9. If an applicant fails any examination, the applicant shall be permitted to take a subsequent examination, upon the payment of an additional reexamination fee. This reexamination fee shall not be refundable.

(L. 1977 H.B. 255 § 3, A.L. 1981 S.B. 16, A.L. 1989 H.B. 738 & 720, A.L. 1995 S.B. 69, et al., A.L. 1996 S.B. 604, et al., A.L. 1997 S.B. 141, A.L. 1998 H.B. 1601, et al. merged with S.B. 732, A.L. 2018 H.B. 1719)

337.021. Educational and experience requirements for licensure, certain persons.

1. The provisions of this section shall govern, except as provided in subsection 3 of this section, the education and experience requirements for initial licensure as a psychologist for the following persons:

(1) A person who has completed a graduate program which is primarily psychological in nature prior to August 28, 1990; or

(2) A person who is matriculated in a graduate program which is primarily psychological in nature prior to August 28, 1990; provided that, such person who does not complete all requirements for initial licensure prior to August 28, 1996, except as provided in subsections 5 and 6 of this section, shall be governed by the licensure requirements of section 337.025.

2. Each applicant shall submit evidence satisfactory to the committee that the applicant either:

(1) Has received a doctoral degree, based upon a program of studies from a recognized educational institution the contents of which were primarily psychological, as defined by rule, and who has had at least one year of satisfactory supervised professional experience in the general field of psychology, as defined by rule; or

(2) Received a master's degree, based upon a program of studies from a recognized educational institution the contents of which were primarily psychological, as defined by rule, and who has had at least three years of satisfactory professional experience in the general field of psychology, as defined by rule.

3. Notwithstanding the provisions of subsection 1 of this section, an applicant who has received a doctoral degree from a graduate program which is primarily psychological in nature prior to August 28, 1990, may elect at the applicant's option to have the applicant's application and licensure evaluated pursuant to the provisions of either section 337.021 or 337.025.

4. The rules referred to in subsection 2 of this section shall be those rules as previously promulgated by the department pursuant to the provisions of sections 337.020 and 337.050 as were in force and effect on August 28, 1989.

5. Notwithstanding any provision of section 337.025 or this section to the contrary, any person who qualifies for initial licensure pursuant to subdivision (2) of subsection 2 of this section that has taken the Missouri licensing examination but has not received a passing score on the licensing examination before August 28, 1996, shall be allowed the same amount of attempts, within the same allotted time, to pass such examination as a person who meets the requirements for initial licensure pursuant to subdivision (1) of subsection 2 of this section.

6. As used in sections 337.010 to 337.090, initial licensure refers only to the educational and experience requirements set forth in subsection 2 of this section, such that initial licensure shall not include passage of any examination given for the purposes of full licensure under section 337.020.

(L. 1989 H.B. 738 & 720, A.L. 1997 S.B. 141, A.L. 1998 S.B. 732)

337.025. Educational and experience requirements for licensure, certain persons.

1. The provisions of this section shall govern the education and experience requirements for initial licensure as a psychologist for the following persons:

(1) A person who has not matriculated in a graduate degree program which is primarily psychological in nature on or before August 28, 1990; and

(2) A person who is matriculated after August 28, 1990, in a graduate degree program designed to train professional psychologists.

2. Each applicant shall submit satisfactory evidence to the committee that the applicant has received a doctoral degree in psychology from a recognized educational institution, and has had at least one year of satisfactory supervised professional experience in the field of psychology.

3. A doctoral degree in psychology is defined as:

(1) A program accredited, or provisionally accredited, by the American Psychological Association (APA), the Canadian Psychological Association (CPA), or the Psychological Clinical Science Accreditation System (PCSAS); provided that, such program includes* a supervised practicum, internship, field, or laboratory training appropriate to the practice of psychology; or

(2) A program designated or approved, including provisional approval, by the Association of State and Provincial Psychology Boards or the Council for the National Register of Health Service Providers in Psychology, or both; or

(3) A graduate program that meets all of the following criteria:

(a) The program, wherever it may be administratively housed, shall be clearly identified and labeled as a psychology program. Such a program shall specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists;

(b) The psychology program shall stand as a recognizable, coherent organizational entity within the institution of higher education;

(c) There shall be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines;

(d) The program shall be an integrated, organized, sequence of study;

(e) There shall be an identifiable psychology faculty and a psychologist responsible for the program;

(f) The program shall have an identifiable body of students who are matriculated in that program for a degree;

(g) The program shall include a supervised practicum, internship, field, or laboratory training appropriate to the practice of psychology;

(h) The curriculum shall encompass a minimum of three academic years of full-time graduate study, with a minimum of one year's residency at the educational institution granting the doctoral degree; and

(i) Require the completion by the applicant of a core program in psychology which shall be met by the completion and award of at least one three-semester-hour graduate credit course or a combination of graduate credit courses totaling three semester hours or five quarter hours in each of the following areas:

a. The biological bases of behavior such as courses in: physiological psychology, comparative psychology, neuropsychology, sensation and perception, psychopharmacology;

b. The cognitive-affective bases of behavior such as courses in: learning, thinking, motivation, emotion, and cognitive psychology;

c. The social bases of behavior such as courses in: social psychology, group processes/dynamics, interpersonal relationships, and organizational and systems theory;

d. Individual differences such as courses in: personality theory, human development, abnormal psychology, developmental psychology, child psychology, adolescent psychology, psychology of aging, and theories of personality;

e. The scientific methods and procedures of understanding, predicting and influencing human behavior such as courses in: statistics, experimental design, psychometrics, individual testing, group testing, and research design and methodology.

4. Acceptable supervised professional experience may be accrued through preinternship, internship, predoctoral postinternship, or postdoctoral experiences. The academic training director or the postdoctoral training supervisor shall attest to the hours accrued to meet the requirements of this section. Such hours shall consist of:

(1) A minimum of fifteen hundred hours of experience in a successfully completed internship to be completed in not less than twelve nor more than twenty-four months; and

(2) A minimum of two thousand hours of experience consisting of any combination of the following:

(a) Preinternship and predoctoral postinternship professional experience that occurs following the completion of the first year of the doctoral program or at any time while in a doctoral program after completion of a master's degree in psychology or equivalent as defined by rule by the committee;

(b) Up to seven hundred fifty hours obtained while on the internship under subdivision (1) of this subsection

but beyond the fifteen hundred hours identified in subdivision (1) of this subsection; or

(c) Postdoctoral professional experience obtained in no more than twenty-four consecutive calendar months. In no case shall this experience be accumulated at a rate of more than fifty hours per week. Postdoctoral supervised professional experience for prospective health service providers and other applicants shall involve and relate to the delivery of psychological services in accordance with professional requirements and relevant to the applicant's intended area of practice.

5. Experience for those applicants who intend to seek health service provider certification and who have completed a program in one or more of the American Psychological Association designated health service provider delivery areas shall be obtained under the primary supervision of a licensed psychologist who is also a health service provider or who otherwise meets the requirements for health service provider certification. Experience for those applicants who do not intend to seek health service provider certification shall be obtained under the primary supervision of a licensed psychologist or such other qualified mental health professional approved by the committee.

6. For postinternship and postdoctoral hours, the psychological activities of the applicant shall be performed pursuant to the primary supervisor's order, control, and full professional responsibility. The primary supervisor shall maintain a continuing relationship with the applicant and shall meet with the applicant a minimum of one hour per month in face-to-face individual supervision. Clinical supervision may be delegated by the primary supervisor to one or more secondary supervisors who are qualified psychologists. The secondary supervisors shall retain order, control, and full professional responsibility for the applicant's clinical work under their supervision and shall meet with the applicant a minimum of one hour per week in face-to-face individual supervision. If the primary supervisor is also the clinical supervisor, meetings shall be a minimum of one hour per week. Group supervision shall not be acceptable for supervised professional experience. The primary supervisor shall certify to the committee that the applicant has complied with these requirements and that the applicant has demonstrated ethical and competent practice of psychology. The changing by an agency of the primary supervisor during the course of the supervised experience shall not invalidate the supervised experience.

7. The committee by rule shall provide procedures for exceptions and variances from the requirements for once a week face-to-face supervision due to vacations, illness, pregnancy, and other good causes.

(L. 1977 H.B. 255 § 4, A.L. 1989 H.B. 738 & 720, A.L. 1998 H.B. 1601, et al. merged with S.B. 732, A.L. 2017 S.B. 501, A.L. 2018 H.B. 1719 merged with S.B. 660 merged with S.B. 718 merged with S.B. 951)

*Word "include" appears in original rolls of S.B. 951, 2018.

337.027. Educational requirements deemed met, when.

For purposes of commencing and obtaining the postdegree supervised experience as provided in sections 337.010 to 337.090, an applicant shall be deemed to have met the educational requirements, either upon the conferral of the formal degree or at the time when all of the degree requirements established by the recognized educational institution for the degree have been met with the sole exception that the degree has not been formally conferred at a graduation program and the institution so certifies in writing to the committee.

(L. 1989 H.B. 738 & 720)

337.029. Licenses based on reciprocity to be issued, when — health service provider certification eligibility.

1. A psychologist licensed in another jurisdiction who has had no violations and no suspensions and no revocation of a license to practice psychology in any jurisdiction may receive a license in Missouri, provided the psychologist passes a written examination on Missouri laws and regulations governing the practice of psychology and meets one of the following criteria:

- (1) Is a diplomate of the American Board of Professional Psychology;
- (2) Is a member of the National Register of Health Service Providers in Psychology;
- (3) Is currently licensed or certified as a psychologist in another jurisdiction who is then a signatory to the Association of State and Provincial Psychology Board's reciprocity agreement;
- (4) Is currently licensed or certified as a psychologist in another state, territory of the United States, or the District of Columbia and:

(a) Has a doctoral degree in psychology from a program accredited, or provisionally accredited, either by the American Psychological Association or the Psychological Clinical Science Accreditation System, or that meets the requirements as set forth in subdivision (3) of subsection 3 of section 337.025;

(b) Has been licensed for the preceding five years; and

(c) Has had no disciplinary action taken against the license for the preceding five years; or

(5) Holds a current certificate of professional qualification (CPQ) issued by the Association of State and Provincial Psychology Boards (ASPPB).

2. Notwithstanding the provisions of subsection 1 of this section, applicants may be required to pass an oral examination as adopted by the committee.

3. A psychologist who receives a license for the practice of psychology in the state of Missouri on the basis of reciprocity as listed in subsection 1 of this section or by endorsement of the score from the examination of professional practice in psychology score will also be eligible for and shall receive certification from the committee as a health service provider if the psychologist meets one or more of the following criteria:

(1) Is a diplomate of the American Board of Professional Psychology in one or more of the specialties recognized by the American Board of Professional Psychology as pertaining to health service delivery;

(2) Is a member of the National Register of Health Service Providers in Psychology; or

(3) Has completed or obtained through education, training, or experience the requisite knowledge comparable to that which is required pursuant to section 337.033.

(L. 1989 H.B. 738 & 720, A.L. 1995 S.B. 69, et al., A.L. 1998 H.B. 1601, et al., A.L. 1998 S.B. 732, A.L. 2001 S.B. 357, A.L. 2008 H.B. 2065, A.L. 2018 H.B. 1719 merged with S.B. 660 merged with S.B. 718 merged with S.B. 951)

337.030. License renewal, registration fee, proof of compliance — late registration, penalty — lost certificate, how replaced — fees, amount, how set — inactive license issued, when.

1. Each psychologist licensed pursuant to the provisions of sections 337.010 to 337.090, who has not filed with the committee a verified statement that the psychologist has retired from or terminated the psychologist's practice of psychology in this state, shall register with the division on or before the registration renewal date. The division shall require a registration fee which shall be submitted together with proof of compliance with the continuing education requirement as provided in section 337.050 and any other information required for such registration. Upon receipt of the required material and of the registration fee, the division shall issue a renewal certificate of registration. When issuing an initial license to an applicant who has met all of the qualifications of sections 337.010 to 337.093 and has been approved for licensure by the committee, the division shall grant the applicant, without payment of any further fee, a certificate of registration valid until the next registration renewal date.

2. The division shall mail a renewal notice to the last known address of each licensee prior to the registration renewal date. Failure to provide the division with the proof of compliance with the continuing education requirement and other information required for registration, or to pay the registration fee after such notice shall result in the expiration of the license. The license shall be restored if, within two years of the registration renewal date, the applicant provides written application and the payment of the registration fee and a delinquency fee and proof of compliance with the requirements for continuing education as provided in section 337.050.

3. A new certificate to replace any certificate lost, destroyed or mutilated may be issued subject to the rules of the committee, upon payment of a reasonable fee.

4. The committee shall set the amount of the fees authorized by sections 337.010 to 337.093 and required by rules and regulations promulgated pursuant to section 536.021. The fees shall be set at a level to produce revenue which shall not substantially exceed the cost and expense of administering sections 337.010 to 337.090.

5. The committee is authorized to issue an inactive license to any licensee who makes written application for such license on a form provided by the board and remits the fee for an inactive license established by the committee. An inactive license may be issued only to a person who has previously been issued a license to practice psychology in this state, who is no longer regularly engaged in such practice and who does not hold himself or herself out to the public as being professionally engaged in such practice in this state. Each inactive license shall be subject to all provisions of this chapter, except as otherwise specifically provided. Each inactive license may be renewed by the committee subject to all provisions of this section and all other provisions of this chapter. The inactive licensee shall not be required to submit evidence of completion of continuing education as required by this chapter. An inactive licensee may apply for a license to regularly engage in the practice of psychology upon filing a written application on a form provided by the committee, submitting the reactivation fee established by the committee, and submitting proof of current competency as established by the committee.

(L. 1977 H.B. 255 § 5, A.L. 1981 S.B. 16, A.L. 1989 H.B. 738 & 720, A.L. 1996 S.B. 604, et al., A.L. 2003 S.B. 478, A.L. 2018 S.B. 975 & 1024 Revision)

337.033. Limitations on areas of practice — relevant professional education and training, defined — criteria for program of graduate study — health service provider certification, requirements for certain persons — automatic certification for certain persons.

1. A licensed psychologist shall limit his or her practice to demonstrated areas of competence as documented by relevant professional education, training, and experience. A psychologist trained in one area shall not practice in another area without obtaining additional relevant professional education, training, and experience through an acceptable program of respecialization.

2. A psychologist may not represent or hold himself or herself out as a state-certified or -registered psychological

health service provider unless the psychologist has first received the psychologist health service provider certification from the committee; provided, however, nothing in this section shall be construed to limit or prevent a licensed, whether temporary, provisional or permanent, psychologist who does not hold a health service provider certificate from providing psychological services so long as such services are consistent with subsection 1 of this section.

3. "Relevant professional education and training" for health service provider certification, except those entitled to certification pursuant to subsection 5 or 6 of this section, shall be defined as a licensed psychologist whose graduate psychology degree from a recognized educational institution is in an area designated by the American Psychological Association as pertaining to health service delivery or a psychologist who subsequent to receipt of his or her graduate degree in psychology has either completed a respecialization program from a recognized educational institution in one or more of the American Psychological Association recognized clinical health service provider areas and who in addition has completed at least one year of postdegree supervised experience in such clinical area or a psychologist who has obtained comparable education and training acceptable to the committee through completion of postdoctoral fellowships or otherwise.

4. The degree or respecialization program certificate shall be obtained from a recognized program of graduate study in one or more of the health service delivery areas designated by the American Psychological Association as pertaining to health service delivery, which shall meet one of the criteria established by subdivisions (1) to (3) of this subsection:

(1) A doctoral degree or completion of a recognized respecialization program in one or more of the American Psychological Association designated health service provider delivery areas which is accredited, or provisionally accredited, either by the American Psychological Association or the Psychological Clinical Science Accreditation System; or

(2) A clinical or counseling psychology doctoral degree program or respecialization program designated, or provisionally approved, by the Association of State and Provincial Psychology Boards or the Council for the National Register of Health Service Providers in Psychology, or both; or

(3) A doctoral degree or completion of a respecialization program in one or more of the American Psychological Association designated health service provider delivery areas that meets the following criteria:

(a) The program, wherever it may be administratively housed, shall be clearly identified and labeled as being in one or more of the American Psychological Association designated health service provider delivery areas;

(b) Such a program shall specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists in one or more of the American Psychological Association designated health service provider delivery areas.

5. A person who is lawfully licensed as a psychologist pursuant to the provisions of this chapter on August 28, 1989, or who has been approved to sit for examination prior to August 28, 1989, and who subsequently passes the examination shall be deemed to have met all requirements for health service provider certification; provided, however, that such person shall be governed by the provisions of subsection 1 of this section with respect to limitation of practice.

6. Any person who is lawfully licensed as a psychologist in this state and who meets one or more of the following criteria shall automatically, upon payment of the requisite fee, be entitled to receive a health service provider certification from the committee:

(1) Is a diplomate of the American Board of Professional Psychology in one or more of the specialties recognized by the American Board of Professional Psychology as pertaining to health service delivery; or

(2) Is a member of the National Register of Health Service Providers in Psychology.

(L. 1989 H.B. 738 & 720, A.L. 1998 H.B. 1601, et al. merged with S.B. 732, A.L. 2018 H.B. 1719 merged with S.B. 660 merged with S.B. 718 merged with S.B. 951)

337.035. Denial, revocation, or suspension of license, grounds for--interested third party, defined.

1. The committee may refuse to issue any certificate of registration or authority, permit or license required pursuant to this chapter for one or any combination of causes stated in subsection 2 of this section. The committee shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of the applicant's right to file a complaint with the administrative hearing commission as provided by chapter 621, RSMo.

2. The committee may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any certificate of registration or authority, permit or license required by this chapter or any person who has failed to renew or has surrendered the person's certificate of registration or authority, permit or license for any one or any combination of the following causes:

(1) Use of any controlled substance, as defined in chapter 195, RSMo, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of any profession licensed or regulated by this chapter;

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to

the qualifications, functions or duties of any profession licensed or regulated under this chapter, for any offense an essential element of which is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed;

(3) Use of fraud, deception, misrepresentation or bribery in securing any certificate of registration or authority, permit or license issued pursuant to this chapter or in obtaining permission to take any examination given or required pursuant to this chapter;

(4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;

(5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties of any profession licensed or regulated by this chapter;

(6) Violation of, or assisting or enabling any person to violate, any provision of this chapter, or of any lawful rule or regulation adopted pursuant to this chapter;

(7) Impersonation of any person holding a certificate of registration or authority, permit or license or allowing any person to use his or her certificate of registration or authority, permit, license or diploma from any school;

(8) Disciplinary action against the holder of a license or other right to practice any profession regulated by this chapter granted by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state;

(9) A person is finally adjudged insane or incapacitated by a court of competent jurisdiction;

(10) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated by this chapter who is not registered and currently eligible to practice as provided this chapter;

(11) Issuance of a certificate of registration or authority, permit or license based upon a material mistake of fact;

(12) Failure to display a valid certificate or license if so required by this chapter or any rule promulgated pursuant to this chapter;

(13) Violation of any professional trust or confidence;

(14) Use of any advertisement or solicitation which is false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed;

(15) Being guilty of unethical conduct as defined in "Ethical Rules of Conduct" as adopted by the committee and filed with the secretary of state.

3. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621, RSMo. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2, for disciplinary action are met, the committee may, singly or in combination, censure or place the person named in the complaint on probation on such terms and conditions as the department deems appropriate for a period not to exceed five years, or may suspend, for a period not to exceed three years, or revoke the license, certificate, or permit.

4. An interested third party may file a complaint or appear or present evidence relative to such complaint or another complaint filed pursuant to this section. For purposes of this section, an interested third party includes a parent or guardian of a person who received treatment by a psychologist or any person who is related within the second degree of consanguinity or affinity and who is financially responsible for the payment of such treatment.

(L. 1977 H.B. 255 § 6, A.L. 1981 S.B. 16, A.L. 1989 H.B. 738 & 720, A.L. 1997 S.B. 141)

337.041. Discrimination prohibited.

No official, employee, board, commission, or agency of the state of Missouri, county, municipality, school district, or other political subdivision shall discriminate between persons licensed under sections 337.010 to 337.090 and chapter 334, RSMo, when promulgating regulations or when requiring or recommending services which legally may be performed by persons licensed under sections 337.010 to 337.090 and by persons licensed under chapter 334, RSMo.

(L. 1989 H.B. 738 & 720)

337.045. Exempted professions and occupations--temporary practice authorized.

Nothing in sections 337.010 to 337.090 shall in any way limit:

(1) Qualified members of other professional groups such as teachers, clergy, practitioners of medicine, practitioners of chiropractic, practitioners of optometry, licensed professional counselors, attorneys, licensed clinical social workers, licensed marriage and family therapists, vocational counselors, vocational rehabilitation counselors, nurses, or duly accredited Christian Science practitioners from doing work of a psychological nature consistent with their training and consistent with any code of ethics of their respective professions; or

(2) The activities, services, or use of official title on the part of any person in the employ of a governmental agency, or of a duly chartered educational institution, or of a corporation primarily engaged in research, insofar as such activities or services are part of the duties of his or her employment, except that any person hired after

August 28, 1996, shall be in the process of either meeting the requirements to become licensed, including pursuant to a doctoral degree in psychology or the supervised professional experience requirements or shall be a licensed psychologist; or

(3) Other persons from engaging in activities defined as the practice of psychology, provided that such persons shall not represent themselves by the title "psychologist". Such persons may use the terms "psychological trainee", "psychological intern", "psychological resident", and "psychological assistant" and provided further that such persons perform their activities under the supervision and responsibility of a licensed psychologist in accordance with regulations promulgated by the committee. Nothing in this subsection shall be construed to apply to any person other than:

(a) A matriculated graduate student in psychology whose activities constitute a part of the course of study for a graduate degree in psychology at a recognized educational institution;

(b) An individual pursuing postdoctoral training or experience in psychology, including persons seeking to fulfill the requirements for licensure pursuant to the provisions of sections 337.010 to 337.090;

(c) A qualified assistant, including but not limited to, other licensed professionals employed by, or otherwise directly accountable to, a licensed psychologist; or

(4) The use of psychological techniques by government institutions, commercial organizations or individuals for employment, evaluation, promotion or job adjustment of their own employees or employee-applicants, or by employment agencies for evaluation of their own clients prior to recommendation for employment; provided that no government institution, commercial organization or individual shall sell or offer these services to the public or to other firms, organizations or individuals for remuneration, unless the services are performed or supervised by a person licensed and registered pursuant to sections 337.010 to 337.090; or

(5) The practice of psychology in the state of Missouri for a temporary period by a person who resides outside the state of Missouri, and who is licensed or certified to practice psychology in another state and conducts the major part of his or her practice outside the state. The temporary period shall not exceed ten consecutive business days in any period of ninety days, nor in the aggregate exceed fifteen business days in any nine-month period; or

(6) The provision of expert testimony by psychologists or other persons who are otherwise exempted by sections 337.010 to 337.090; or

(7) The teaching of psychology, the conduct of psychological research, or the provision of psychological services or consultations to organizations or institutions, provided that such teaching, research, or service does not involve the delivery or supervision of direct psychological services to individuals or groups of individuals; or

(8) School psychologists certified under the program standards of the National Association of School Psychologists who are employed in a duly accredited school so long as the individual is performing services within the scope of his or her employment for such school and within the scope of his or her education, training and experience; or

(9) Psychotherapy activities or services performed by an individual with a doctoral degree in anthropology; provided that such degree was received on or prior to December 31, 1989, and which was from an educational institution accredited by one of the regional accrediting associations approved by the council on postsecondary accreditation; and provided further that such individual has completed at least twenty-four months of supervised clinical experience in psychotherapy under the supervision of a physician.

(L. 1977 H.B. 255 § 8, A.L. 1981 S.B. 16, A.L. 1989 H.B. 738 & 720, A.L. 1996 S.B. 604, et al., A.L. 1998 H.B. 1601, et al. merged with S.B. 732)

337.050. State committee of psychologists created--members, qualifications, compensation, removal--rules, procedure--powers of committee, seal--continuing education, proof of completion submitted with license renewal, types of continuing education, committee powers.

1. There is hereby created and established a "State Committee of Psychologists", which shall consist of seven licensed psychologists and one public member. The state committee of psychologists existing on August 28, 1989, is abolished. Nothing in this section shall be construed to prevent the appointment of any current member of the state committee of psychologists to the new state committee of psychologists created on August 28, 1989.

2. Appointments to the committee shall be made by the governor upon the recommendations of the director of the division, upon the advice and consent of the senate. The division, prior to submitting nominations, shall solicit nominees from professional psychological associations and licensed psychologists in the state. The term of office for committee members shall be five years, and committee members shall not serve more than ten years. No person who has previously served on the committee for ten years shall be eligible for appointment. In making initial appointments to the committee, the governor shall stagger the terms of the appointees so that two members serve initial terms of two years, two members serve initial terms of three years, and two members serve initial terms of four years.

3. Each committee member shall be a resident of the state of Missouri for one year, shall be a United States citizen,

and shall, other than the public member, have been licensed as a psychologist in this state for at least three years. Committee members shall reflect a diversity of practice specialties. To ensure adequate representation of the diverse fields of psychology, the committee shall consist of at least two psychologists who are engaged full time in the doctoral teaching and training of psychologists, and at least two psychologists who are engaged full time in the professional practice of psychology. In addition, the first appointment to the committee shall include at least one psychologist who shall be licensed on the basis of a master's degree who shall serve a full term of five years. Nothing in sections 337.010 to 337.090 shall be construed to prohibit full membership rights on the committee for psychologists licensed on the basis of a master's degree. If a member of the committee shall, during the member's term as a committee member, remove the member's domicile from the state of Missouri, then the committee shall immediately notify the director of the division, and the seat of that committee member shall be declared vacant. All such vacancies shall be filled by appointment of the governor with the advice and consent of the senate, and the member so appointed shall serve for the unexpired term of the member whose seat has been declared vacant.

4. The public member shall be at the time of the public member's appointment a citizen of the United States; a resident of this state for a period of one year and a registered voter; a person who is not and never was a member of any profession licensed or regulated pursuant to sections 337.010 to 337.093 or the spouse of such person; and a person who does not have and never has had a material, financial interest in either the providing of the professional services regulated by sections 337.010 to 337.093, or an activity or organization directly related to any profession licensed or regulated pursuant to sections 337.010 to 337.093. The duties of the public member shall not include the determination of the technical requirements to be met for licensure or whether any person meets such technical requirements or of the technical competence or technical judgment of a licensee or a candidate for licensure.

5. The committee shall hold a regular annual meeting at which it shall select from among its members a chairperson and a secretary. A quorum of the committee shall consist of a majority of its members. In the absence of the chairperson, the secretary shall conduct the office of the chairperson.

6. Each member of the committee shall receive, as compensation, an amount set by the division not to exceed fifty dollars for each day devoted to the affairs of the committee and shall be entitled to reimbursement for necessary and actual expenses incurred in the performance of the member's official duties.

7. Staff for the committee shall be provided by the director of the division of professional registration.

8. The governor may remove any member of the committee for misconduct, inefficiency, incompetency, or neglect of office.

9. In addition to the powers set forth elsewhere in sections 337.010 to 337.090, the division may adopt rules and regulations, not otherwise inconsistent with sections 337.010 to 337.090, to carry out the provisions of sections 337.010 to 337.090. The committee may promulgate, by rule, "Ethical Rules of Conduct" governing the practices of psychology which rules shall be based upon the ethical principles promulgated and published by the American Psychological Association.

10. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated to administer and enforce sections 337.010 to 337.090, shall become effective only if the agency has fully complied with all of the requirements of chapter 536, RSMo, including but not limited to, section 536.028, RSMo, if applicable, after August 28, 1998. All rulemaking authority delegated prior to August 28, 1998, is of no force and effect and repealed as of August 28, 1998, however nothing in this act shall be interpreted to repeal or affect the validity of any rule adopted and promulgated prior to August 28, 1998. If the provisions of section 536.028, RSMo, apply, the provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028, RSMo, to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void, except that nothing in this act shall affect the validity of any rule adopted and promulgated prior to August 28, 1998.

11. The committee may sue and be sued in its official name, and shall have a seal which shall be affixed to all certified copies or records and papers on file, and to such other instruments as the committee may direct. All courts shall take judicial notice of such seal. Copies of records and proceedings of the committee, and of all papers on file with the division on behalf of the committee certified under the seal shall be received as evidence in all courts of record.

12. When applying for a renewal of a license pursuant to section 337.030, each licensed psychologist shall submit proof of the completion of at least forty hours of continuing education credit within the two-year period immediately preceding the date of the application for renewal of the license. The type of continuing education to be considered shall include, but not be limited to:

(1) Attending recognized educational seminars, the content of which are primarily psychological, as defined by rule;

(2) Attending a graduate level course at a recognized educational institution where the contents of which are primarily psychological, as defined by rule;

(3) Presenting a recognized educational seminar, the contents of which are primarily psychological, as defined by rule;

(4) Presenting a graduate level course at a recognized educational institution where the contents of which are primarily psychological, as defined by rule; and

(5) Independent course of studies, the contents of which are primarily psychological, which have been approved by the committee and defined by rule.

The committee shall determine by administrative rule the amount of training, instruction, self-instruction or teaching that shall be counted as an hour of continuing education credit.

(L. 1977 H.B. 225 § 9, A.L. 1981 S.B. 200 merged with S.B. 16, A.L. 1989 H.B. 738 & 720, A.L. 1993 S.B. 52, A.L. 1995 S.B. 3, A.L. 1996 S.B. 604, et al., A.L. 1998 H.B. 1601, et al., A.L. 1999 H.B. 343)

CROSS REFERENCE:

Public member, additional duties, RSMo 620.132

337.055. Privileged communications, when.

Any communication made by any person to a licensed psychologist in the course of professional services rendered by the licensed psychologist shall be deemed a privileged communication and the licensed psychologist shall not be examined or be made to testify to any privileged communication without the prior consent of the person who received his professional services.

(L. 1977 H.B. 255 § 10)

337.060. Licensed psychologists not to practice medicine.

Nothing in this chapter shall be construed as authorizing persons licensed and registered as psychologists to engage in any manner in the practice of medicine as defined in the laws of this state.

(L. 1977 H.B. 255 § 11, A.L. 1981 S.B. 16)

337.065. Violations, penalty, refund of fees--duties of committee--injunctions--civil immunity, when--venue.

1. Any person found guilty of violating any provision of sections 337.010 to 337.090 is guilty of a class A misdemeanor and upon conviction thereof shall be punished as provided by law.

2. All fees or other compensation received for services rendered in violation of sections 337.010 to 337.090 shall be refunded.

3. The committee shall inquire as to any violation of any provision of sections 337.010 to 337.090, and may institute actions for penalties herein prescribed, and shall enforce generally the provisions of sections 337.010 to 337.090.

4. Any person, organization, association or corporation who reports or provides information to the committee or the division pursuant to the provisions of sections 337.010 to 337.090 and who does so in good faith shall not be subject to an action for civil damages as a result thereof.

5. Upon application by the committee, the attorney general may on behalf of the committee request that a court of competent jurisdiction grant an injunction, restraining order or other order as may be appropriate to enjoin a person from:

(1) Offering to engage or engaging in the performance of any acts or practices for which a certificate of registration or authority, permit or license is required upon a showing that such acts or practices were performed or offered to be performed without a certificate of registration or authority, permit or license; or

(2) Engaging in any practice or business authorized by a certificate of registration or authority, permit or license issued pursuant to sections 337.010 to 337.090 upon a showing that the holder presents a substantial probability of serious harm to the health, safety or welfare of any resident of this state or client or patient of the licensee.

6. Any action brought pursuant to the provisions of this section shall be commenced either in the county in which such conduct occurred or in the county in which the defendant resides.

7. Any action brought under this section may be in addition to or in lieu of any penalty provided by sections 337.010 to 337.090 and may be brought concurrently with other actions to enforce sections 337.010 to 337.090.

(L. 1977 H.B. 255 § 12, A.L. 1981 S.B. 16, A.L. 1989 H.B. 738 & 720)

337.068. Complaints of prisoners--disposition of certain records.

1. If the committee finds merit to a complaint by an individual incarcerated or under the care and control of the department of corrections or who has been ordered to be taken into custody, detained, or held under sections 632.480 to 632.513, or who has been ordered to be evaluated under chapter 552, and takes further investigative action, no documentation may appear on file or disciplinary action may be taken in regards to the licensee's license unless the provisions of subsection 2 of section 337.035 have been violated. Any case file documentation that does not result in the committee filing an action pursuant to subsection 2 of section 337.035 shall be destroyed within three months after the final case disposition by the committee. No notification to any other

licensing board in another state or any national registry regarding any investigative action shall be made unless the provisions of subsection 2 of section 337.035 have been violated.

2. Upon written request of the psychologist subject to a complaint, prior to August 28, 1999, by an individual incarcerated or under the care and control of the department of corrections or prior to August 28, 2008, by an individual who has been ordered to be taken into custody, detained, or held under sections 632.480 to 632.513, or prior to August 28, 2021, by an individual who has been ordered to be evaluated under chapter 552, that did not result in the committee filing an action pursuant to subsection 2 of section 337.035, the committee and the division of professional registration, shall in a timely fashion:

(1) Destroy all documentation regarding the complaint;

(2) Notify any other licensing board in another state or any national registry regarding the committee's actions if they have been previously notified of the complaint; and

(3) Send a letter to the licensee that clearly states that the committee found the complaint to be unsubstantiated, that the committee has taken the requested action, and notify the licensee of the provisions of subsection 3 of this section.

3. Any person who has been the subject of an unsubstantiated complaint as provided in subsection 1 or 2 of this section shall not be required to disclose the existence of such complaint in subsequent applications or representations relating to their psychology professions.

(L. 1999 H.B. 343 § 337.068 codified as 337.750, A.L. 2008 H.B. 2065, A.L. 2021 H.B. 273 merged with H.B. 476)

337.070. Local governments prohibited from taxing or licensing psychologists.

No person who has been licensed by the committee as a psychologist in this state shall be taxed or made liable to pay any municipal or other corporation tax or license fee of any description whatever for the privilege of following or carrying on such profession.

(L. 1977 H.B. 255 § 13, A.L. 1989 H.B. 738 & 720)

337.085. Fees, collection, disposition, use.

1. There is hereby established in the state treasury a fund to be known as the "State Committee of Psychologists Fund". All fees of any kind and character authorized under sections 337.010 to 337.090 to be charged by the committee or division shall be collected by the director of the division of professional registration and shall be transmitted to the department of revenue for deposit in the state treasury for credit to this fund. Such funds, upon appropriation, shall be disbursed only in payment of expenses of maintaining the committee and for the enforcement of the provisions of law concerning professions regulated by the committee. No other money shall be paid out of the state treasury for carrying out these provisions. Warrants shall be issued on the state treasurer for payment out of the fund.

2. The provisions of section 33.080, RSMo, to the contrary notwithstanding, money in this fund shall not be transferred and placed to the credit of general revenue until the amount in the fund at the end of the biennium exceeds two times the amount of the appropriation from the committee's fund for the preceding fiscal year or, if the committee requires by rule renewal less frequently than yearly then three times the appropriation from the committee's fund for the preceding fiscal year. The amount, if any, in the fund which shall lapse is that amount in the fund which exceeds the appropriate multiple of the appropriations from the committee's fund for the preceding fiscal year.

3. All funds pertaining to the Missouri state committee of psychologists deposited in the state treasury to the credit of the committee of registration for the healing arts fund shall be transferred from that fund to the state committee of psychologists fund by the division director.

(L. 1981 S.B. 16, A.L. 1989 H.B. 738 & 720, A.L. 2004 S.B. 1122)

337.090. License or directory not to include degree on which license was issued.

The committee and division in issuing licenses and in publishing the directory as provided in section 324.032, RSMo, shall not include or list the degree upon which the license or certificate was issued. Any person licensed on the basis of a master's degree who has then earned a doctoral degree may use the title "doctor" or hold himself out in his practice as a psychologist as having a doctoral degree so long as it is from an accredited institution of higher education and so long as the degree is relevant to the practice of psychology.

(L. 1989 H.B. 738 & 720, A.L. 2008 S.B. 788)

337.093. Application of law.

Nothing in the provisions of this act* is intended to repeal or modify those provisions of sections 337.010 to 337.090, which provide for the licensure of psychologists.

(L. 1993 H.B. 564 § 31)

*"This act" (H.B. 564, 1993) contains numerous sections. Consult Disposition of Sections table for definitive listing

PSYCHOLOGY INTERJURISDICTIONAL COMPACT

337.100. Citation of law — findings — purpose.

1. Sections 337.100 to 337.165 shall be known as the "Psychology Interjurisdictional Compact". The party states find that:

(1) States license psychologists, in order to protect the public through verification of education, training, and experience and ensure accountability for professional practice;

(2) This compact is intended to regulate the day-to-day practice of telepsychology, the provision of psychological services using telecommunication technologies, by psychologists across state boundaries in the performance of their psychological practice as assigned by an appropriate authority;

(3) This compact is intended to regulate the temporary in-person, face-to-face practice of psychology by psychologists across state boundaries for thirty days within a calendar year in the performance of their psychological practice as assigned by an appropriate authority;

(4) This compact is intended to authorize state psychology regulatory authorities to afford legal recognition, in a manner consistent with the terms of the compact, to psychologists licensed in another state;

(5) This compact recognizes that states have a vested interest in protecting the public's health and safety through their licensing and regulation of psychologists and that such state regulation will best protect public health and safety;

(6) This compact does not apply when a psychologist is licensed in both the home and receiving states; and

(7) This compact does not apply to permanent in-person, face-to-face practice, it does allow for authorization of temporary psychological practice.

2. The general purposes of this compact are to:

(1) Increase public access to professional psychological services by allowing for telepsychological practice across state lines as well as temporary in-person, face-to-face services into a state which the psychologist is not licensed to practice psychology;

(2) Enhance the states' ability to protect the public's health and safety, especially client/patient safety;

(3) Encourage the cooperation of compact states in the areas of psychology licensure and regulation;

(4) Facilitate the exchange of information between compact states regarding psychologist licensure, adverse actions, and disciplinary history;

(5) Promote compliance with the laws governing psychological practice in each compact state; and

(6) Invest all compact states with the authority to hold licensed psychologists accountable through the mutual recognition of compact state licenses.

(L. 2018 H.B. 1719 merged with S.B. 660)

Contingent effective date, see § 337.170.

337.105. Definitions.

As used in this compact, the following terms shall mean:

(1) "Adverse action", any action taken by a state psychology regulatory authority which finds a violation of a statute or regulation that is identified by the state psychology regulatory authority as discipline and is a matter of public record;

(2) "Association of State and Provincial Psychology Boards (ASPPB)", the recognized membership organization composed of state and provincial psychology regulatory authorities responsible for the licensure and registration of psychologists throughout the United States and Canada;

(3) "Authority to practice interjurisdictional telepsychology", a licensed psychologist's authority to practice telepsychology, within the limits authorized under this compact, in another compact state;

(4) "Bylaws", those bylaws established by the psychology interjurisdictional compact commission pursuant to section 337.145 for its governance, or for directing and controlling its actions and conduct;

(5) "Client/patient", the recipient of psychological services, whether psychological services are delivered in the context of healthcare, corporate, supervision, or consulting services;

(6) "Commissioner", the voting representative appointed by each state psychology regulatory authority pursuant to section 337.145;

(7) "Compact state", a state, the District of Columbia, or United States territory that has enacted this compact legislation and which has not withdrawn pursuant to subsection 3 of section 337.160 or been terminated pursuant to subsection 2 of section 337.155;

(8) "Coordinated licensure information system" also referred to as "coordinated database", an integrated process for collecting, storing, and sharing information on psychologists' licensure and enforcement activities related to psychology licensure laws, which is administered by the recognized membership organization composed of state and provincial psychology regulatory authorities;

(9) "Confidentiality", the principle that data or information is not made available or disclosed to unauthorized persons or processes;

(10) "Day", any part of a day in which psychological work is performed;

(11) "Distant state", the compact state where a psychologist is physically present, not through the use of telecommunications technologies, to provide temporary in-person, face-to-face psychological services;

(12) "E.Passport", a certificate issued by the Association of State and Provincial Psychology Boards (ASPPB) that promotes the standardization in the criteria of interjurisdictional telepsychology practice and facilitates the process for licensed psychologists to provide telepsychological services across state lines;

(13) "Executive board", a group of directors elected or appointed to act on behalf of, and within the powers granted to them by, the commission;

(14) "Home state", a compact state where a psychologist is licensed to practice psychology. If the psychologist is licensed in more than one compact state and is practicing under the authorization to practice interjurisdictional telepsychology, the home state is the compact state where the psychologist is physically present when the telepsychological services are delivered. If the psychologist is licensed in more than one compact state and is practicing under the temporary authorization to practice, the home state is any compact state where the psychologist is licensed;

(15) "Identity history summary", a summary of information retained by the Federal Bureau of Investigation, or other designee with similar authority, in connection with arrests and, in some instances, federal employment, naturalization, or military service;

(16) "In-person, face-to-face", interactions in which the psychologist and the client/patient are in the same physical space and which does not include interactions that may occur through the use of telecommunication technologies;

(17) "Interjurisdictional practice certificate (IPC)", a certificate issued by the Association of State and Provincial Psychology Boards (ASPPB) that grants temporary authority to practice based on notification to the state psychology regulatory authority of intention to practice temporarily, and verification of one's qualifications for such practice;

(18) "License", authorization by a state psychology regulatory authority to engage in the independent practice of psychology, which would be unlawful without the authorization;

(19) "Noncompact state", any state which is not at the time a compact state;

(20) "Psychologist", an individual licensed for the independent practice of psychology;

(21) "Psychology interjurisdictional compact commission" also referred to as "commission", the national administration of which all compact states are members;

(22) "Receiving state", a compact state where the client/patient is physically located when the telepsychological services are delivered;

(23) "Rule", a written statement by the psychology interjurisdictional compact commission promulgated pursuant to section 337.150 of the compact that is of general applicability, implements, interprets, or prescribes a policy or provision of the compact, or an organizational, procedural, or practice requirement of the commission and has the force and effect of statutory law in a compact state, and includes the amendment, repeal or suspension of an existing rule;

(24) "Significant investigatory information":

(a) Investigative information that a state psychology regulatory authority, after a preliminary inquiry that includes notification and an opportunity to respond if required by state law, has reason to believe, if proven true, would indicate more than a violation of state statute or ethics code that would be considered more substantial than minor infraction; or

(b) Investigative information that indicates that the psychologist represents an immediate threat to public health and safety regardless of whether the psychologist has been notified and had an opportunity to respond;

(25) "State", a state, commonwealth, territory, or possession of the United States, the District of Columbia;

(26) "State psychology regulatory authority", the board, office or other agency with the legislative mandate to license and regulate the practice of psychology;

(27) "Telepsychology", the provision of psychological services using telecommunication technologies;

(28) "Temporary authorization to practice", a licensed psychologist's authority to conduct temporary in-person, face-to-face practice, within the limits authorized under this compact, in another compact state;

(29) "Temporary in-person, face-to-face practice", where a psychologist is physically present, not through the use of telecommunications technologies, in the distant state to provide for the practice of psychology for thirty days within a calendar year and based on notification to the distant state.

(L. 2018 H.B. 1719 merged with S.B. 660)

Contingent effective date, see § 337.170

337.110. Home state licensure.

1. The home state shall be a compact state where a psychologist is licensed to practice psychology.
 2. A psychologist may hold one or more compact state licenses at a time. If the psychologist is licensed in more than one compact state, the home state is the compact state where the psychologist is physically present when the services are delivered as authorized by the authority to practice interjurisdictional telepsychology under the terms of this compact.
 3. Any compact state may require a psychologist not previously licensed in a compact state to obtain and retain a license to be authorized to practice in the compact state under circumstances not authorized by the authority to practice interjurisdictional telepsychology under the terms of this compact.
 4. Any compact state may require a psychologist to obtain and retain a license to be authorized to practice in a compact state under circumstances not authorized by temporary authorization to practice under the terms of this compact.
 5. A home state's license authorizes a psychologist to practice in a receiving state under the authority to practice interjurisdictional telepsychology only if the compact state:
 - (1) Currently requires the psychologist to hold an active E.Passport;
 - (2) Has a mechanism in place for receiving and investigating complaints about licensed individuals;
 - (3) Notifies the commission, in compliance with the terms herein, of any adverse action or significant investigatory information regarding a licensed individual;
 - (4) Requires an identity history summary of all applicants at initial licensure, including the use of the results of fingerprints or other biometric data checks compliant with the requirements of the Federal Bureau of Investigation, or other designee with similar authority, no later than ten years after activation of the compact; and
 - (5) Complies with the bylaws and rules of the commission.
 6. A home state's license grants temporary authorization to practice to a psychologist in a distant state only if the compact state:
 - (1) Currently requires the psychologist to hold an active IPC;
 - (2) Has a mechanism in place for receiving and investigating complaints about licensed individuals;
 - (3) Notifies the commission, in compliance with the terms herein, of any adverse action or significant investigatory information regarding a licensed individual;
 - (4) Requires an identity history summary of all applicants at initial licensure, including the use of the results of fingerprints or other biometric data checks compliant with the requirements of the Federal Bureau of Investigation, or other designee with similar authority, no later than ten years after activation of the compact; and
 - (5) Complies with the bylaws and rules of the commission.
- (L. 2018 H.B. 1719 merged with S.B. 660)*
Contingent effective date, see § 337.170

337.115. Compact privilege to practice telepsychology.

1. Compact states shall recognize the right of a psychologist, licensed in a compact state in conformance with section 337.110, to practice telepsychology in receiving states in which the psychologist is not licensed, under the authority to practice interjurisdictional telepsychology as provided in the compact.
2. To exercise the authority to practice interjurisdictional telepsychology under the terms and provisions of this compact, a psychologist licensed to practice in a compact state shall:
 - (1) Hold a graduate degree in psychology from an institute of higher education that was, at the time the degree was awarded:
 - (a) Regionally accredited by an accrediting body recognized by the United States Department of Education to grant graduate degrees, or authorized by provincial statute or royal charter to grant doctoral degrees; or
 - (b) A foreign college or university deemed to be equivalent to the requirements of paragraph (a) of this subdivision by a foreign credential evaluation service that is a member of the National Association of Credential Evaluation Services (NACES) or by a recognized foreign credential evaluation service;
 - (2) Hold a graduate degree in psychology that meets the following criteria:
 - (a) The program, wherever it may be administratively housed, shall be clearly identified and labeled as a psychology program. Such a program shall specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists;
 - (b) The psychology program shall stand as a recognizable, coherent, organizational entity within the institution;
 - (c) There shall be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines;
 - (d) The program shall consist of an integrated, organized sequence of study;
 - (e) There shall be an identifiable psychology faculty sufficient in size and breadth to carry out its

responsibilities;

- (f) The designated director of the program shall be a psychologist and a member of the core faculty;
- (g) The program shall have an identifiable body of students who are matriculated in that program for a degree;
- (h) The program shall include supervised practicum, internship, or field training appropriate to the practice of psychology;
- (i) The curriculum shall encompass a minimum of three academic years of full-time graduate study for doctoral degree and a minimum of one academic year of full-time graduate study for master's degree;
- (j) The program includes an acceptable residency as defined by the rules of the commission;
- (3) Possess a current, full and unrestricted license to practice psychology in a home state which is a compact state;
- (4) Have no history of adverse action that violate the rules of the commission;
- (5) Have no criminal record history reported on an identity history summary that violates the rules of the commission;
- (6) Possess a current, active E.Passport;
- (7) Provide attestations in regard to areas of intended practice, conformity with standards of practice, competence in telepsychology technology; criminal background; and knowledge and adherence to legal requirements in the home and receiving states, and provide a release of information to allow for primary source verification in a manner specified by the commission; and
- (8) Meet other criteria as defined by the rules of the commission.

3. The home state maintains authority over the license of any psychologist practicing into a receiving state under the authority to practice interjurisdictional telepsychology.

4. A psychologist practicing into a receiving state under the authority to practice interjurisdictional telepsychology will be subject to the receiving state's scope of practice. A receiving state may, in accordance with that state's due process law, limit or revoke a psychologist's authority to practice interjurisdictional telepsychology in the receiving state and may take any other necessary actions under the receiving state's applicable law to protect the health and safety of the receiving state's citizens. If a receiving state takes action, the state shall promptly notify the home state and the commission.

5. If a psychologist's license in any home state, another compact state, or any authority to practice interjurisdictional telepsychology in any receiving state, is restricted, suspended or otherwise limited, the E.Passport shall be revoked and therefore the psychologist shall not be eligible to practice telepsychology in a compact state under the authority to practice interjurisdictional telepsychology.

(L. 2018 H.B. 1719 merged with S.B. 660)

Contingent effective date, see § 337.170

337.120. Compact temporary authorization to practice.

1. Compact states shall also recognize the right of a psychologist, licensed in a compact state in conformance with section 337.110, to practice temporarily in distant states in which the psychologist is not licensed, as provided in the compact.

2. To exercise the temporary authorization to practice under the terms and provisions of this compact, a psychologist licensed to practice in a compact state shall:

(1) Hold a graduate degree in psychology from an institute of higher education that was, at the time the degree was awarded:

(a) Regionally accredited by an accrediting body recognized by the United States Department of Education to grant graduate degrees, or authorized by provincial statute or royal charter to grant doctoral degrees; or

(b) A foreign college or university deemed to be equivalent to the requirements of paragraph (a) of this subdivision by a foreign credential evaluation service that is a member of the National Association of Credential Evaluation Services (NACES) or by a recognized foreign credential evaluation service;

(2) Hold a graduate degree in psychology that meets the following criteria:

(a) The program, wherever it may be administratively housed, shall be clearly identified and labeled as a psychology program. Such a program shall specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists;

(b) The psychology program shall stand as a recognizable, coherent, organizational entity within the institution;

(c) There shall be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines;

(d) The program shall consist of an integrated, organized sequence of study;

(e) There shall be an identifiable psychology faculty sufficient in size and breadth to carry out its responsibilities;

(f) The designated director of the program shall be a psychologist and a member of the core faculty;

- (g) The program shall have an identifiable body of students who are matriculated in that program for a degree;
 - (h) The program shall include supervised practicum, internship, or field training appropriate to the practice of psychology;
 - (i) The curriculum shall encompass a minimum of three academic years of full-time graduate study for doctoral degrees and a minimum of one academic year of full-time graduate study for master's degree;
 - (j) The program includes an acceptable residency as defined by the rules of the commission;
 - (3) Possess a current, full and unrestricted license to practice psychology in a home state which is a compact state;
 - (4) No history of adverse action that violate the rules of the commission;
 - (5) No criminal record history that violates the rules of the commission;
 - (6) Possess a current, active IPC;
 - (7) Provide attestations in regard to areas of intended practice and work experience and provide a release of information to allow for primary source verification in a manner specified by the commission; and
 - (8) Meet other criteria as defined by the rules of the commission.
3. A psychologist practicing into a distant state under the temporary authorization to practice shall practice within the scope of practice authorized by the distant state.
4. A psychologist practicing into a distant state under the temporary authorization to practice will be subject to the distant state's authority and law. A distant state may, in accordance with that state's due process law, limit or revoke a psychologist's temporary authorization to practice in the distant state and may take any other necessary actions under the distant state's applicable law to protect the health and safety of the distant state's citizens. If a distant state takes action, the state shall promptly notify the home state and the commission.
5. If a psychologist's license in any home state, another compact state, or any temporary authorization to practice in any distant state, is restricted, suspended or otherwise limited, the IPC shall be revoked and therefore the psychologist shall not be eligible to practice in a compact state under the temporary authorization to practice.
- (L. 2018 H.B. 1719 merged with S.B. 660)*
Contingent effective date, see § 337.170

337.125. Conditions of telepsychology practice in a receiving state.

A psychologist may practice in a receiving state under the authority to practice interjurisdictional telepsychology only in the performance of the scope of practice for psychology as assigned by an appropriate state psychology regulatory authority, as defined in the rules of the commission, and under the following circumstances:

- (1) The psychologist initiates a client/patient contact in a home state via telecommunications technologies with a client/patient in a receiving state;
 - (2) Other conditions regarding telepsychology as determined by rules promulgated by the commission.
- (L. 2018 H.B. 1719 merged with S.B. 660)*
Contingent effective date, see § 337.170

337.130. Adverse actions.

- 1. A home state shall have the power to impose adverse action against a psychologist's license issued by the home state. A distant state shall have the power to take adverse action on a psychologist's temporary authorization to practice within that distant state.
- 2. A receiving state may take adverse action on a psychologist's authority to practice interjurisdictional telepsychology within that receiving state. A home state may take adverse action against a psychologist based on an adverse action taken by a distant state regarding temporary in-person, face-to-face practice.
- 3. (1) If a home state takes adverse action against a psychologist's license, that psychologist's authority to practice interjurisdictional telepsychology is terminated and the E.Passport is revoked. Furthermore, that psychologist's temporary authorization to practice is terminated and the IPC is revoked.
- (2) All home state disciplinary orders which impose adverse action shall be reported to the commission in accordance with the rules promulgated by the commission. A compact state shall report adverse actions in accordance with the rules of the commission.
- (3) In the event discipline is reported on a psychologist, the psychologist will not be eligible for telepsychology or temporary in-person, face-to-face practice in accordance with the rules of the commission.
- (4) Other actions may be imposed as determined by the rules promulgated by the commission.
- 4. A home state's psychology regulatory authority shall investigate and take appropriate action with respect to reported inappropriate conduct engaged in by a licensee which occurred in a receiving state as it would if such conduct had occurred by a licensee within the home state. In such cases, the home state's law shall control in determining any adverse action against a psychologist's license.

5. A distant state's psychology regulatory authority shall investigate and take appropriate action with respect to reported inappropriate conduct engaged in by a psychologist practicing under temporary authorization practice which occurred in that distant state as it would if such conduct had occurred by a licensee within the home state. In such cases, distant state's law shall control in determining any adverse action against a psychologist's temporary authorization to practice.

6. Nothing in this compact shall override a compact state's decision that a psychologist's participation in an alternative program may be used in lieu of adverse action and that such participation shall remain nonpublic if required by the compact state's law. Compact states shall require psychologists who enter any alternative programs to not provide telepsychology services under the authority to practice interjurisdictional telepsychology or provide temporary psychological services under the temporary authorization to practice in any other compact state during the term of the alternative program.

7. No other judicial or administrative remedies shall be available to a psychologist in the event a compact state imposes an adverse action pursuant to subsection 3 of this section.

(L. 2018 H.B. 1719 merged with S.B. 660)

Contingent effective date, see § 337.170

337.135. Additional authorities invested in a compact state's psychology regulatory authority.

1. In addition to any other powers granted under state law, a compact state's psychology regulatory authority shall have the authority under this compact to:

(1) Issue subpoenas, for both hearings and investigations, which require the attendance and testimony of witnesses and the production of evidence. Subpoenas issued by a compact state's psychology regulatory authority for the attendance and testimony of witnesses, or the production of evidence from another compact state shall be enforced in the latter state by any court of competent jurisdiction, according to that court's practice and procedure in considering subpoenas issued in its own proceedings. The issuing state psychology regulatory authority shall pay any witness fees, travel expenses, mileage and other fees required by the service statutes of the state where the witnesses or evidence are located; and

(2) Issue cease and desist or injunctive relief orders to revoke a psychologist's authority to practice interjurisdictional telepsychology or temporary authorization to practice.

2. During the course of any investigation, a psychologist may not change his or her home state licensure. A home state psychology regulatory authority is authorized to complete any pending investigations of a psychologist and to take any actions appropriate under its law. The home state psychology regulatory authority shall promptly report the conclusions of such investigations to the commission. Once an investigation has been completed, and pending the outcome of said investigation, the psychologist may change his or her home state licensure. The commission shall promptly notify the new home state of any such decisions as provided in the rules of the commission. All information provided to the commission or distributed by compact states pursuant to the psychologist shall be confidential, filed under seal and used for investigatory or disciplinary matters. The commission may create additional rules for mandated or discretionary sharing of information by compact states.

(L. 2018 H.B. 1719 merged with S.B. 660)

Contingent effective date, see § 337.170

337.140. Coordinated licensure information system.

1. The commission shall provide for the development and maintenance of a coordinated licensure information system (coordinated database) and reporting system containing licensure and disciplinary action information on all psychologist individuals to whom this compact is applicable in all compact states as defined by the rules of the commission.

2. Notwithstanding any other provision of state law to the contrary, a compact state shall submit a uniform data set to the coordinated database on all licensees as required by the rules of the commission, including:

- (1) Identifying information;
- (2) Licensure data;
- (3) Significant investigatory information;
- (4) Adverse actions against a psychologist's license;
- (5) An indicator that a psychologist's authority to practice interjurisdictional telepsychology or temporary authorization to practice is revoked;
- (6) Nonconfidential information related to alternative program participation information;
- (7) Any denial of application for licensure, and the reasons for such denial; and
- (8) Other information which may facilitate the administration of this compact, as determined by the rules of the commission.

3. The coordinated database administrator shall promptly notify all compact states of any adverse action taken

against, or significant investigative information on, any licensee in a compact state.

4. Compact states reporting information to the coordinated database may designate information that may not be shared with the public without the express permission of the compact state reporting the information.

5. Any information submitted to the coordinated database that is subsequently required to be expunged by the law of the compact state reporting the information shall be removed from the coordinated database.

(L. 2018 H.B. 1719 merged with S.B. 660)

Contingent effective date, see § 337.170

337.145. Establishment of the psychology interjurisdictional compact commission.

1. The compact states hereby create and establish a joint public agency known as the Psychology Interjurisdictional Compact Commission.

(1) The commission is a body politic and an instrumentality of the compact states.

(2) Venue is proper and judicial proceedings by or against the commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.

(3) Nothing in this compact shall be construed to be a waiver of sovereign immunity.

2. The commission shall consist of one voting representative appointed by each compact state who shall serve as that state's commissioner. The state psychology regulatory authority shall appoint its delegate. This delegate shall be empowered to act on behalf of the compact state. This delegate shall be limited to:

(1) Executive director, executive secretary or similar executive;

(2) Current member of the state psychology regulatory authority of a compact state; or

(3) Designee empowered with the appropriate delegate authority to act on behalf of the compact state.

3. (1) Any commissioner may be removed or suspended from office as provided by the law of the state from which the commissioner is appointed. Any vacancy occurring in the commission shall be filled in accordance with the laws of the compact state in which the vacancy exists.

(2) Each commissioner shall be entitled to one vote with regard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the commission. A commissioner shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for commissioners' participation in meetings by telephone or other means of communication.

(3) The commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws.

(4) All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rulemaking provisions in section 337.150.

(5) The commission may convene in a closed, nonpublic meeting if the commission shall discuss:

(a) Noncompliance of a compact state with its obligations under the compact;

(b) The employment, compensation, discipline or other personnel matters, practices or procedures related to specific employees or other matters related to the commission's internal personnel practices and procedures;

(c) Current, threatened, or reasonably anticipated litigation against the commission;

(d) Negotiation of contracts for the purchase or sale of goods, services, or real estate;

(e) Accusation against any person of a crime or formally censuring any person;

(f) Disclosure of trade secrets or commercial or financial information which is privileged or confidential;

(g) Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

(h) Disclosure of investigatory records compiled for law enforcement purposes;

(i) Disclosure of information related to any investigatory reports prepared by or on behalf of or for use of the commission or other committee charged with responsibility for investigation or determination of compliance issues pursuant to the compact;

(j) Matters specifically exempted from disclosure by federal and state statute.

(6) If a meeting, or portion of a meeting, is closed pursuant to subdivision (5) of subsection 3 of this section, the commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision. The commission shall keep minutes which fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, of any person participating in the meeting, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release only by a majority vote of the commission or order of a court of competent jurisdiction.

4. The commission shall, by a majority vote of the commissioners, prescribe bylaws or rules to govern its conduct as may be necessary or appropriate to carry out the purposes and exercise the powers of the compact, including

but not limited to:

- (1) Establishing the fiscal year of the commission;
 - (2) Providing reasonable standards and procedures:
 - (a) For the establishment and meetings of other committees; and
 - (b) Governing any general or specific delegation of any authority or function of the commission;
 - (3) Providing reasonable procedures for calling and conducting meetings of the commission, ensuring reasonable advance notice of all meetings and providing an opportunity for attendance of such meetings by interested parties, with enumerated exceptions designed to protect the public's interest, the privacy of individuals of such proceedings, and proprietary information, including trade secrets. The commission may meet in closed session only after a majority of the commissioners vote to close a meeting to the public in whole or in part. As soon as practicable, the commission shall make public a copy of the vote to close the meeting revealing the vote of each commissioner with no proxy votes allowed;
 - (4) Establishing the titles, duties and authority and reasonable procedures for the election of the officers of the commission;
 - (5) Providing reasonable standards and procedures for the establishment of the personnel policies and programs of the commission. Notwithstanding any civil service or other similar law of any compact state, the bylaws shall exclusively govern the personnel policies and programs of the commission;
 - (6) Promulgating a code of ethics to address permissible and prohibited activities of commission members and employees;
 - (7) Providing a mechanism for concluding the operations of the commission and the equitable disposition of any surplus funds that may exist after the termination of the compact after the payment or reserving of all of its debts and obligations.
5. (1) The commission shall publish its bylaws in a convenient form and file a copy thereof and a copy of any amendment thereto, with the appropriate agency or officer in each of the compact states;
- (2) The commission shall maintain its financial records in accordance with the bylaws; and
 - (3) The commission shall meet and take such actions as are consistent with the provisions of this compact and the bylaws.
6. The commission shall have the following powers:
- (1) The authority to promulgate uniform rules to facilitate and coordinate implementation and administration of this compact. The rule shall have the force and effect of law and shall be binding in all compact states;
 - (2) To bring and prosecute legal proceedings or actions in the name of the commission, provided that the standing of any state psychology regulatory authority or other regulatory body responsible for psychology licensure to sue or be sued under applicable law shall not be affected;
 - (3) To purchase and maintain insurance and bonds;
 - (4) To borrow, accept or contract for services of personnel, including, but not limited to, employees of a compact state;
 - (5) To hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the compact, and to establish the commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;
 - (6) To accept any and all appropriate donations and grants of money, equipment, supplies, materials and services, and to receive, utilize and dispose of the same; provided that at all times the commission shall strive to avoid any appearance of impropriety or conflict of interest;
 - * (7) To lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve or use, any property, real, personal or mixed; provided that at all times the commission shall strive to avoid any appearance of impropriety;
 - * (8) To lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve or use, any property, real, personal or mixed; provided that at all times the commission shall strive to avoid any appearance of impropriety;
 - (9) To establish a budget and make expenditures;
 - (10) To borrow money;
 - (11) To appoint committees, including advisory committees comprised of members, state regulators, state legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this compact and the bylaws;
 - (12) To provide and receive information from, and to cooperate with, law enforcement agencies;
 - (13) To adopt and use an official seal; and
 - (14) To perform such other functions as may be necessary or appropriate to achieve the purposes of this compact consistent with the state regulation of psychology licensure, temporary in-person, face-to-face practice and telepsychology practice.

7. (1) The elected officers shall serve as the executive board, which shall have the power to act on behalf of the commission according to the terms of this compact.

(2) The executive board shall be comprised of six members:

(a) Five voting members who are elected from the current membership of the commission by the commission;

(b) One ex officio, nonvoting member from the recognized membership organization composed of state and provincial psychology regulatory authorities.

(3) The ex officio member shall have served as staff or member on a state psychology regulatory authority and will be selected by its respective organization.

(4) The commission may remove any member of the executive board as provided in bylaws.

(5) The executive board shall meet at least annually.

(6) The executive board shall have the following duties and responsibilities:

(a) Recommend to the entire commission changes to the rules or bylaws, changes to this compact legislation, fees paid by compact states such as annual dues, and any other applicable fees;

(b) Ensure compact administration services are appropriately provided, contractual or otherwise;

(c) Prepare and recommend the budget;

(d) Maintain financial records on behalf of the commission;

(e) Monitor compact compliance of member states and provide compliance reports to the commission;

(f) Establish additional committees as necessary; and

(g) Other duties as provided in rules or bylaws.

8. (1) The commission shall pay, or provide for the payment of the reasonable expenses of its establishment, organization and ongoing activities.

(2) The commission may accept any and all appropriate revenue sources, donations and grants of money, equipment, supplies, materials and services.

(3) The commission may levy on and collect an annual assessment from each compact state or impose fees on other parties to cover the cost of the operations and activities of the commission and its staff which shall be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the commission which shall promulgate a rule binding upon all compact states.

(4) The commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the commission pledge the credit of any of the compact states, except by and with the authority of the compact state.

(5) The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the commission.

9. (1) The members, officers, executive director, employees and representatives of the commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities; provided that nothing in this subsection shall be construed to protect any such person from suit or liability for any damage, loss, injury or liability caused by the intentional or willful or wanton misconduct of that person.

(2) The commission shall defend any member, officer, executive director, employee or representative of the commission in any civil action seeking to impose liability arising out of any actual or alleged act, error or omission that occurred within the scope of commission employment, duties or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining his or her own counsel; and provided further, that the actual or alleged act, error or omission did not result from that person's intentional or willful or wanton misconduct.

(3) The commission shall indemnify and hold harmless any member, officer, executive director, employee or representative of the commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error or omission that occurred within the scope of commission employment, duties or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities, provided that the actual or alleged act, error or omission did not result from the intentional or willful or wanton misconduct of that person.

(L. 2018 H.B. 1719 merged with S.B. 660)

Contingent effective date, see § 337.170

*Subdivisions (7) and (8) are identical; compact approved by ASPPB Board in 2016 has different language for subdivision (8).

337.150. Rulemaking.

1. The commission shall exercise its rulemaking powers pursuant to the criteria set forth in this section and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment.
2. If a majority of the legislatures of the compact states rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the compact, then such rule shall have no further force and effect in any compact state.
3. Rules or amendments to the rules shall be adopted at a regular or special meeting of the commission.
4. Prior to promulgation and adoption of a final rule or rules by the commission, and at least sixty days in advance of the meeting at which the rule will be considered and voted upon, the commission shall file a notice of proposed rulemaking:
 - (1) On the website of the commission; and
 - (2) On the website of each compact states' psychology regulatory authority or the publication in which each state would otherwise publish proposed rules.
5. The notice of proposed rulemaking shall include:
 - (1) The proposed time, date, and location of the meeting in which the rule will be considered and voted upon;
 - (2) The text of the proposed rule or amendment and the reason for the proposed rule;
 - (3) A request for comments on the proposed rule from any interested person;
 - (4) The manner in which interested persons may submit notice to the commission of their intention to attend the public hearing and any written comments.
6. Prior to adoption of a proposed rule, the commission shall allow persons to submit written data, facts, opinions, and arguments, which shall be made available to the public.
7. The commission shall grant an opportunity for a public hearing before it adopts a rule or amendment if a hearing is requested by:
 - (1) At least twenty-five persons who submit comments independently of each other;
 - (2) A governmental subdivision or agency; or
 - (3) A duly appointed person in an association that has at least twenty-five members.
8. (1) If a hearing is held on the proposed rule or amendment, the commission shall publish the place, time, and date of the scheduled public hearing.
 - (2) All persons wishing to be heard at the hearing shall notify the executive director of the commission or other designated member in writing of their desire to appear and testify at the hearing not less than five business days before the scheduled date of the hearing.
 - (3) Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.
 - (4) No transcript of the hearing is required, unless a written request for a transcript is made, in which case the person requesting the transcript shall bear the cost of producing the transcript. A recording may be made in lieu of a transcript under the same terms and conditions as a transcript. This subdivision shall not preclude the commission from making a transcript or recording of the hearing if it so chooses.
 - (5) Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the commission at hearings required by this section.
9. Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the commission shall consider all written and oral comments received.
10. The commission shall, by majority vote of all members, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.
11. If no written notice of intent to attend the public hearing by interested parties is received, the commission may proceed with promulgation of the proposed rule without a public hearing.
12. Upon determination that an emergency exists, the commission may consider and adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided that the usual rulemaking procedures provided in the compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that shall be adopted immediately in order to:
 - (1) Meet an imminent threat to public health, safety, or welfare;
 - (2) Prevent a loss of commission or compact state funds;
 - (3) Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule; or
 - (4) Protect public health and safety.
13. (1) The commission or an authorized committee of the commission may direct revisions to a previously

adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the commission. The revision shall be subject to challenge by any person for a period of thirty days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule.

(2) A challenge shall be made in writing, and delivered to the chair of the commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the commission.

(L. 2018 H.B. 1719 merged with S.B. 660)

Contingent effective date, see § 337.170

337.155. Oversight, dispute resolution and enforcement.

1. (1) The executive, legislative, and judicial branches of state government in each compact state shall enforce this compact and take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of this compact and the rules promulgated hereunder shall have standing as statutory law.

(2) All courts shall take judicial notice of the compact and the rules in any judicial or administrative proceeding in a compact state pertaining to the subject matter of this compact which may affect the powers, responsibilities, or actions of the commission.

(3) The commission shall be entitled to receive service of process in any such proceeding, and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process to the commission shall render a judgment or order void as to the commission, this compact or promulgated rules.

2. (1) If the commission determines that a compact state has defaulted in the performance of its obligations or responsibilities under this compact or the promulgated rules, the commission shall:

(a) Provide written notice to the defaulting state and other compact states of the nature of the default, the proposed means of remedying the default or any other action to be taken by the commission; and

(b) Provide remedial training and specific technical assistance regarding the default.

(2) If a state in default fails to remedy the default, the defaulting state may be terminated from the compact upon an affirmative vote of a majority of the compact states, and all rights, privileges, and benefits conferred by this compact shall be terminated on the effective date of termination. A remedy of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

(3) Termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be submitted by the commission to the governor, the majority and minority leaders of the defaulting state's legislature, and each of the compact states.

(4) A compact state which has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations which extend beyond the effective date of termination.

(5) The commission shall not bear any costs incurred by the state which is found to be in default or which has been terminated from the compact, unless agreed upon in writing between the commission and the defaulting state.

(6) The defaulting state may appeal the action of the commission by petitioning the U.S. District Court for the state of Georgia or the federal district where the compact has its principal offices. The prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

3. (1) Upon request by a compact state, the commission shall attempt to resolve disputes related to the compact which arise among compact states and between compact and noncompact states.

(2) The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes that arise before the commission.

4. (1) The commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact.

(2) By majority vote, the commission may initiate legal action in the United States District Court for the State of Georgia or the federal district where the compact has its principal offices against a compact state in default to enforce compliance with the provisions of the compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

(3) The remedies herein shall not be the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or state law.

(L. 2018 H.B. 1719 merged with S.B. 660)

Contingent effective date, see § 337.170

337.160. Date of implementation of the psychology interjurisdictional compact commission and associated rules, withdrawal, and amendment.

1. The compact shall come into effect on the date on which the compact is enacted into law in the seventh compact state. The provisions which become effective at that time shall be limited to the powers granted to the commission

relating to assembly and the promulgation of rules. Thereafter, the commission shall meet and exercise rulemaking powers necessary to the implementation and administration of the compact.

2. Any state which joins the compact subsequent to the commission's initial adoption of the rules shall be subject to the rules as they exist on the date on which the compact becomes law in that state. Any rule which has been previously adopted by the commission shall have the full force and effect of law on the day the compact becomes law in that state.

3. (1) Any compact state may withdraw from this compact by enacting a statute repealing the same.

(2) A compact state's withdrawal shall not take effect until six months after enactment of the repealing statute.

(3) Withdrawal shall not affect the continuing requirement of the withdrawing state's psychology regulatory authority to comply with the investigative and adverse action reporting requirements of sections 337.100 to 337.170* prior to the effective date of withdrawal.

4. Nothing contained in this compact shall be construed to invalidate or prevent any psychology licensure agreement or other cooperative arrangement between a compact state and a noncompact state which does not conflict with the provisions of this compact.

5. This compact may be amended by the compact states. No amendment to this compact shall become effective and binding upon any compact state until it is enacted into the law of all compact states.

(L. 2018 H.B. 1719 merged with S.B. 660)

Contingent effective date, see § 337.170

*Words "this act" appear in original rolls of both H.B. 1719 and S.B. 660, 2018.

337.165. Construction and severability.

This compact shall be liberally construed so as to effectuate the purposes thereof. If this compact shall be held contrary to the constitution of any state member thereto, the compact shall remain in full force and effect as to the remaining compact states.

(L. 2018 H.B. 1719 merged with S.B. 660)

Contingent effective date, see § 337.170

337.170. Contingent effective date.

The enactment of sections 337.100, 337.105, 337.110, 337.115, 337.120, 337.125, 337.130, 337.135, 337.140, 337.145, 337.150, 337.155, 337.160, and 337.165 of this act* shall become effective upon notification by the commission to the revisor of statutes that seven states have adopted the psychology interjurisdictional compact.

(L. 2018 H.B. 1719 § B merged with S.B. 660 § B)

*"This act" (H.B. 1719 merged with S.B. 660, 2018) contained numerous sections. Consult Disposition of Sections Table for a definitive listing.

RULES

Division 2235

Chapter 1

General Rules

**Title 20—DEPARTMENT OF COMMERCE AND
INSURANCE**

**Division 2235—State Committee of Psychologists
Chapter 1—General Rules**

20 CSR 2235-1.010 State Committee of Psychologists

PURPOSE: This rule complies with section 337.050, RSMo which permits the department to adopt rules governing the conduct of the State Committee of Psychologists.

(1) The committee shall meet at the call of the chairperson or by a notice signed by not fewer than three (3) members of the committee. The committee shall meet at least once during each calendar year and as frequently as the business of the committee requires. The committee, with the assistance of the Division of Professional Registration and its staff, shall provide all application forms and maintain all records contemplated by Chapter 337, RSMo and shall make regular reports to the board and the Department of Commerce and Insurance concerning the fulfillment of its functions and duties. The committee shall screen all applicants for licensure as psychologists and report to the director of the department, through the Division of Professional Registration, concerning the qualifications of all applicants.

AUTHORITY: section 337.050.5, RSMo Supp. 1989. This rule was originally filed as 4 CSR 150-5.050. This rule previously filed as 4 CSR 235-1.010. Emergency rule filed Oct. 4, 1977, effective Oct. 14, 1977, expired Feb. 11, 1978. Original rule filed Oct. 4, 1977, effective Feb. 11, 1978. Amended: Filed May 4, 1987, effective Aug. 13, 1987. Moved to 20 CSR 2235-1.010, effective Aug. 28, 2006. Non-substantive change filed July 30, 2019, published Sept. 30, 2019.*

**Original authority: 337.050.5, RSMo 1977, amended 1981, 1989.*

20 CSR 2235-1.015 Definitions

PURPOSE: This rule establishes various definitions and terms used in these rules.

(1) Post-degree supervised professional experience. The purpose and intention of post-degree supervised experience is to provide experiential training in the practice of psychology in order to meet the requirements for licensure. It is not designed to enable a person to engage in the practice of psychology without a license. Post-degree supervised professional experience is more than a consultation or supervisory session.

(2) Psychological trainee. A person enrolled in a graduate program in psychology and performing functions as a

part of his/her graduate training or practicum.

(3) Psychological intern. A person possessing a master's degree in psychology as defined in section 337.021 or 337.025, RSMo and enrolled in a doctoral program in psychology and serving as an intern as part of the requirements for his/her degree program, or a person enrolled in a doctoral program in psychology and serving as an intern as part of the requirements for his/her degree program.

(4) Psychological resident. A person possessing a doctoral degree in psychology as defined in section 337.025, RSMo who is engaged in post-degree supervised professional experience in order to obtain licensure as a psychologist.

(5) Psychological assistant. A person who has received formal approval by the committee as having met the educational and post-degree professional experience requirements but has not yet met the examination requirements for licensure as a psychologist.

(6) Qualified assistant. Any person employed by or otherwise directly accountable to a licensed psychologist and who assists the licensed psychologist in the delivery of psychological services but whose employment is not in the course of pursuing the educational, professional supervised experience or examination requirements for licensure as a psychologist.

(7) Provisionally licensed psychologist. A psychological resident or psychological assistant who has met the requirements for and has been issued a provisional license under section 337.020.4, RSMo.

(8) Applicant. Any person who submits an application for licensure and pays the appropriate application fee to be licensed as a psychologist.

(9) Psychological health services. The assessment, diagnosis, and treatment of an individual(s) for the purposes of remediation of a cognitive, emotional, behavioral, or mental disorder.

(10) Psychological health service provider. A licensed psychologist who possesses health service provider certification through relevant education, training, and experience as defined in 20 CSR 2235-3.020(3)(A) in the delivery of psychological health services and who provides psychological health services as defined in section (9).

(11) American Psychological Association designated health service provider delivery areas. The foregoing term as used in sections 337.025.5, 337.033.3, and 337.033.4, RSMo, shall include doctoral degree, or respecialization programs, with a primary emphasis, or

concentration, in one of the following areas:

- (A) Clinical psychology;
- (B) Counseling psychology;
- (C) School psychology; or
- (D) Combined scientist-professional psychology doctoral training programs.

(E) The term shall also include such other programs, including doctoral and respecialization programs in emerging substantive areas of the professional health service practice of psychology, for which the American Psychological Association provides accreditation in the future.

(12) Psychological Testing. The use of one (1) or more standardized measurements, devices, or procedures, including the use of computerized psychological tests, to observe or record human behavior, and which require the application of appropriate normative data for interpretation or classification and includes the use of standardized instruments for the purpose of the diagnosis and treatment of mental and emotional disorders and disabilities, the evaluation or assessment of cognitive and intellectual abilities, personality, and emotional states and traits, and neuropsychological functioning by an individual who has received formal academic training at the graduate level in statistics, test construction, sampling theory, tests and measurements, individual differences, and personality theory. In addition, the interpretation of psychological tests for diagnostic purposes requires formal academic training in the areas of abnormal psychology, psychopathology, psychodiagnosis, and, in the case of neuropsychological diagnosis, training in neuropsychology. Competent administration and interpretation of psychological tests also requires a formal supervised practice experience. Services which are described as “psychological testing” shall be administered and interpreted by licensed psychologists or persons who are otherwise exempt by statute. Individuals licensed by this committee, as well as other licensed professionals, may also use tests of language, education, and achievement, as well as tests of abilities, interests, and aptitudes. With the exception of the test categories and psychological tests listed in section (13) of this rule, the use of these other tests is not exclusively within the scope of this regulation.

(13) Psychological Test and Inventories.

(A) Individual tests for the evaluation of cognitive and intellectual abilities, examples of which are:

- 1. The Wechsler series;
- 2. The Stanford-Binet; and
- 3. The Kaufman series.

(B) Individual, objective, and projective tests and inventories of personality and emotional states and traits, examples of which are:

- 1. Objective tests and inventories:

A. The Minnesota Multiphasic Personality Inventories; and

B. The Millon Inventories;

2. Projective tests and techniques including:

A. Rorschach; and

B. Holtzman;

3. Apperception techniques, examples of which are:

A. TAT (Thematic Apperception Test);

B. CAT (Children’s Apperception Test);

C. PFT (Pain Frustration Test); and

D. Tactual Apperception Test (Twitchell-Allen); and

4. Drawing techniques, examples of which are:

A. DAP (Draw A Person);

B. HTP (House Tree Person); and

C. Action Family Drawing.

(C) Individual tests of neuropsychological functioning, examples of which are:

1. The Halstead-Reitan Battery;

2. The Luria-Nebraska Battery; and

3. The NEPSY.

*AUTHORITY: section 337.030.3, RSMo Supp. 2008 and section 337.050.9, RSMo 2000. *This rule originally filed as 4 CSR 235-1.015. Original rule filed July 30, 1991, effective Feb. 6, 1992. Amended: Filed Feb. 4, 1992, effective Dec. 3, 1992. Amended: Filed Nov. 13, 1992, effective July 8, 1993. Amended: Filed July 26, 1999, effective Feb. 29, 2000. Moved to 20 CSR 2235-1.015, effective Aug. 28, 2006. Amended: Filed Dec. 15, 2006, effective June 30, 2007. Amended: Filed Aug. 30, 2007, effective Feb. 29, 2008. Amended: Filed April 8, 2009, effective Sept. 30, 2009.*

**Original authority: 337.030, RSMo 1977, amended 1981, 1989, 1996, 2003 and 337.050, RSMo 1977, amended 1981, 1989, 1993, 1995, 1996, 1998, 1999.*

20 CSR 2235-1.020 Fees

PURPOSE: This rule establishes and fixes the various fees and charges authorized by Chapter 337, RSMo.

(1) The following fees are established for the State Committee of Psychologists and are payable to the State Committee of Psychologists:

(A) Application for Provisional Licensure or Application for Temporary Licensure or

Application for Licensure Fee \$150.00

(B) Oral Examination Fee \$ 50.00

(C) Jurisprudence Examination Fee \$ 50.00

(D) Reexamination Fees—

1. Oral Examination Fee \$ 50.00

2. Jurisprudence Examination Fee \$ 50.00

(E) Biennial Renewal Fee \$300.00

(F) Delinquency Fee (effective April 1 after each renewal period, in addition to the Renewal Fee)	\$150.00
(G) Inactive License Fee	\$100.00
(H) Reactivation Fee	\$200.00
(I) Licensure Verification/Transfer of Score to Other States Fee	\$ 25.00
(J) Replacement of Wall-Hanging License Fee	\$ 25.00
(K) Insufficient Funds Check Service Charge	\$ 25.00
(L) Prior Review Fee (educational experience)	\$ 50.00
(M) Prior Review Fee (postdegree supervision)	\$ 50.00
(N) Health Service Provider Application Fee	\$100.00
(O) Health Service Provider Biennial Renewal Fee	\$100.00
(P) Fingerprinting Fee Amount to be determined by the Missouri State Highway Patrol	

(2) All fees are nonrefundable.

(3) The provisions of this rule are declared severable. If any fee fixed by this rule is held invalid by a court of competent jurisdiction or by the Administrative Hearing Commission, the remaining provisions of this rule shall remain in full force and effect, unless otherwise determined by a court of competent jurisdiction or by the Administrative Hearing Commission.

AUTHORITY: sections 337.030 and 337.050, RSMo Supp. 2020. This rule originally filed as 4 CSR 235-1.020. Emergency rule filed Dec. 9, 1981, effective Jan. 11, 1982, expired April 4, 1982. Original rule filed Dec. 9, 1981, effective April 4, 1982. Amended: Filed Aug. 12, 1983, effective Dec. 11, 1983. Amended: Filed May 4, 1987, effective Aug. 13, 1987. Amended: Filed Oct. 4, 1988, effective Dec. 29, 1988. Amended: Filed June 6, 1989, effective Sept. 11, 1989. Emergency amendment filed Sept. 5, 1990, effective Sept. 15, 1990, expired Jan. 13, 1991. Amended: Filed Sept. 18, 1990, effective Dec. 31, 1990. Amended: Filed July 2, 1991, effective Feb. 6, 1992. Emergency amendment filed March 14, 1995, effective March 24, 1995, expired July 11, 1995. Amended: Filed March 31, 1995, effective Sept. 30, 1995. Amended: Filed April 26, 1999, effective Oct. 30, 1999. Amended: Filed March 10, 2000, effective Sept. 30, 2000. Amended: Filed March 1, 2001, effective Aug. 30, 2001. Amended: Filed Feb. 18, 2003, effective Aug. 30, 2003. Amended: Filed March 15, 2004, effective Sept. 30, 2004. Moved to 20 CSR 2235-1.020, effective Aug. 28, 2006. Amended: Filed June 5, 2013, effective Jan. 30, 2014. Amended:*

Filed May 15, 2017, effective Oct. 30, 2017. Amended: Filed Nov. 16, 2020, effective May 30, 2021.

**Original authority: 337.030, RSMo 1977, amended 1981, 1989, 1996, 2003, 2018 and 337.050, RSMo 1977, amended 1981, 1989, 1993, 1995, 1996, 1998, 1999, 2020.*

20 CSR 2235-1.025 Application for Provisional Licensure

PURPOSE: This rule outlines and standardizes the procedures to be followed by applicants applying for provisional licensure.

(1) Applications for provisional licensure must be made on the forms provided by the State Committee of Psychologists and accompanied by the appropriate fee.

(2) The committee may issue a provisional license to practice psychology to any applicant who meets all the following requirements:

(A) A completed application accompanied by the appropriate fee;

(B) Official transcript received directly from an issuing institution verifying that the applicant is a graduate of a recognized educational institution with a doctoral degree in psychology as defined in section 337.025, RSMo;

(C) A post-degree supervision plan or a completed supervision agreement submitted by the primary supervisor made on the form provided by the State Committee of Psychologists;

(D) Submission of references on forms provided by the committee by three (3) mental health professionals other than post-doctoral supervisors who have known the applicant a minimum of two (2) years. The references cannot be from classmates; and

(E) Proof of submission of fingerprints to the Missouri State Highway Patrol's approved vendor for both a Missouri State Highway Patrol and Federal Bureau of Investigations (FBI) fingerprint background check. Any fees due for fingerprinting background checks shall be paid by the applicant.

(3) Unless sooner suspended, revoked, and/or terminated because of the issuance of a regular ongoing license, the provisional license shall, as provided in 337.020.5, RSMo, expire one (1) year from date of issuance unless timely renewed. A provisional license, absent extenuating circumstances and a showing of good cause, may only be renewed for a period of one (1) additional year so that the maximum period for a provisional license absent approval from the committee shall be only two (2) years.

(4) Applicants seeking a variance from the requirement

of a maximum issuance of two (2) years due to vacations, illness, pregnancy, and other good causes shall submit the request in writing to the committee, which will be handled on a case-by-case basis.

(5) The provisional license shall only permit the licensee to provide psychological services in accordance with the "post-degree supervision plan" as submitted to the committee and only under and pursuant to the direct supervision and full professional responsibility and control of the primary supervisor and any secondary supervisors as identified in the post-degree supervision plan as filed with the committee.

(6) Absent death, sudden illness, or other extenuating circumstance on the part of the supervisor which precludes such supervisor from acting, any person who holds a provisional license who desires to amend the plan and/or to change supervisors, whether primary or secondary, must do so by filing at least twenty (20) days before said amended and/or revised plan is to take effect, a revised and/or amended plan together with information as to who is to be the new supervisor(s).

(7) Except as noted in section (6) hereof, the committee shall not accept, or recognize, as counting towards the required period of post-degree supervision, any time during which the provisional licensee may have been or was providing psychological services under the supervision of some person prior to the time the identity of such person had first been disclosed by the timely filing of a revised and/or amended plan of post-degree supervision.

(8) Any person acting under or providing psychological services pursuant to a provisional license shall at all times comply with provisions of 20 CSR 2235-2.040 or 20 CSR 2235-2.050 including, without limitation, the representation provisions set forth in subsection (1)(l) thereof.

AUTHORITY: sections 337.020 and 337.050.9, RSMo Supp. 2020.* This rule originally filed as 4 CSR 235-1.025. Original rule filed July 26, 1999, effective Feb. 29, 2000. Moved to 20 CSR 2235-1.025, effective Aug. 28, 2006. Amended: Filed July 9, 2008, effective Jan. 30, 2009. Amended: Filed June 5, 2013, effective Jan. 30, 2014. Amended: Filed Nov. 16, 2020, effective May 30, 2021.

*Original authority: 337.020, RSMo 1977, amended 1981, 1989, 1995, 1996, 1997, 1998, 2018, 2020 and 337.050.9, RSMo 1977, amended 1981, 1989, 1993, 1995, 1996, 1998, 1999, 2020.

20 CSR 2235-1.026 Application for Temporary Licensure

PURPOSE: This rule outlines and standardizes the procedures to be followed by applicants applying for a temporary license.

(1) Application for temporary licensure must be made on the forms provided by the State Committee of Psychologists and accompanied by the appropriate fee.

(2) A temporary license will be issued to any applicant licensed as a psychologist in another jurisdiction, who is applying for licensure in this state either by endorsement of score pursuant to 20 CSR 2235-2.065 and/or by reciprocity pursuant to section 337.029, RSMo, and 20 CSR 2235-2.070 and who meets all the following requirements:

(A) A completed application accompanied by the appropriate fee;

(B) A completed Verification of Licensure Form provided by the State Committee of Psychologists and received directly from the jurisdiction in which applicant holds licensure; and

(C) Proof of submission of fingerprints to the Missouri State Highway Patrol's approved vendor for both a Missouri State Highway Patrol and Federal Bureau of Investigations (FBI) fingerprint background check. Any fees due for fingerprinting background checks shall be paid by the applicant.

(3) Unless revoked and/or terminated as set forth in section 337.020.7, RSMo, subsections (1) through (3), the temporary license will expire one (1) year from date of issuance unless renewed.

AUTHORITY: sections 337.020 and 337.050.9, RSMo Supp. 2020.* This rule originally filed as 4 CSR 235-1.026. Original rule filed July 26, 1999, effective Feb. 29, 2000. Moved to 20 CSR 2235-1.026, effective Aug. 28, 2006. Amended: Filed July 9, 2008, effective Jan. 30, 2009. Amended: Filed June 5, 2013, effective Jan. 30, 2014. Amended: Filed Nov. 16, 2020, effective May 30, 2021.

*Original authority: 337.020, RSMo 1977, amended 1981, 1989, 1995, 1996, 1997, 1998, 2018, 2020 and 337.050.9, RSMo 1977, amended 1981, 1989, 1993, 1995, 1996, 1998, 1999, 2020.

20 CSR 2235-1.030 Application for Licensure

PURPOSE: This rule outlines and standardizes the procedures followed by the committee in receiving and considering information relative to an applicant's qualifications for licensure by examination.

(1) Applications for licensure must be made on forms

provided by the State Committee of Psychologists and accompanied by the appropriate fee and submits the following:

(A) Official transcript received directly from an issuing institution verifying that the applicant is a graduate of a recognized educational institution with a doctoral degree in psychology as defined in section 337.025, RSMo, unless applicant previously submitted for a provisional or temporary license issued by the committee;

(B) If requested, a post-degree supervision plan submitted by the primary supervisor on the form provided by the State Committee of Psychologists, unless applicant previously submitted for a provisional license issued by the committee;

(C) If requested, an attestation of post-degree supervision submitted by the primary supervisor on the form provided by the State Committee of Psychologists;

(D) Submission of references on forms provided by the committee by three (3) mental health professionals other than post-doctoral supervisors who have known the applicant a minimum of two (2) years. The references cannot be from classmates; and

(E) Proof of submission of fingerprints to the Missouri State Highway Patrol's approved vendor for both a Missouri State Highway Patrol and Federal Bureau of Investigations (FBI) fingerprint background check. Any fees due for fingerprinting background checks shall be paid by the applicant unless applicant previously submitted for a provisional license issued by the committee.

AUTHORITY: sections 337.020.1 and 337.050.9, RSMo Supp. 2020. This rule originally filed as 4 CSR 235-1.030. Emergency rule filed Jan. 22, 1982, effective Feb. 1, 1982, expired June 1, 1982. Original rule filed Jan. 22, 1982, effective May 13, 1982. Amended: Filed Oct. 4, 1988, effective Dec. 29, 1988. Amended: Filed June 6, 1989, effective Sept. 11, 1989. Amended: Filed July 30, 1991, effective Feb. 6, 1992. Amended: Filed July 26, 1999, effective Feb. 29, 2000. Moved to 20 CSR 2235-1.030, effective Aug. 28, 2006. Rescinded and readopted: Filed June 5, 2013, effective Jan. 30, 2014. Amended: Filed Nov. 16, 2020, effective May 30, 2021.*

**Original authority: 337.020.1, RSMo 1977, amended 1981, 1989, 1995, 1996, 1997, 1998, 2018, 2020 and 337.050.9, RSMo 1977, amended 1981, 1989, 1993, 1995, 1996, 1998, 1999, 2020.*

20 CSR 2235-1.031 Application for Health Service Provider Certification

PURPOSE: This rule outlines and standardizes the procedures followed by the committee in receiving and considering information relative to an applicant's qualifications for health service provider certification.

(1) Applications for a health service provider must be made on forms provided by the State Committee of

Psychologists and accompanied by the appropriate fee

AUTHORITY: sections 337.029 and 337.050.9, RSMo Supp. 2020. This rule originally filed as 4 CSR 235-1.031. Original rule filed Feb. 4, 1992, effective Dec. 3, 1992. Amended: Filed July 26, 1999, effective Feb. 29, 2000. Moved to 20 CSR 2235-1.031, effective Aug. 28, 2006. Amended: Filed Nov. 16, 2020, effective May 30, 2021.*

**Original authority: 337.029, RSMo 1989, amended 1995, 1998, 2001, 2008, 2018, 2020 and 337.050.9, RSMo 1977, amended 1981, 1989, 1993, 1995, 1996, 1998, 1999, 2020.*

20 CSR 2235-1.037 Licensure Verification/Transfer of Scores to Other States/Jurisdictions

PURPOSE: This rule outlines the procedures for providing licensure information/transfer of scores of individuals to other states or jurisdictions.

(1) Individuals wishing to have licensure information or exam scores forwarded to other state licensing boards or jurisdictions must submit the following:

(A) A written request to the committee's office thirty (30) days prior to the date the requested information is due; and

(B) The nonrefundable licensure verification/transfer of score fee.

AUTHORITY: section 337.050.5, RSMo Supp. 1989. This rule originally filed as 4 CSR 235-1.037. Original rule filed Oct. 4, 1988, effective Dec. 29, 1988. Moved to 20 CSR 2235-1.037, effective Aug. 28, 2006.*

**Original authority: 337.050.5, RSMo 1977, amended 1981, 1989.*

20 CSR 2235-1.045 Procedures for Recognition of Educational Institutions

PURPOSE: This rule outlines the procedures for determining if an educational institution satisfies the requirements of section 337.010, RSMo.

(1) In determining whether a school, college, university, or other institution of higher learning in the United States is a "recognized educational institution," as defined in section 337.010(4)(a), RSMo, the applicant, upon request, shall furnish to the committee competent and substantial evidence, admissible in the courts of Missouri, that the educational institution is accredited by a regional accrediting association recognized by the Council For Higher Education Accreditation (CHEA). Failure by the applicant to furnish that evidence to the committee shall constitute evidence that the educational institution is not a recognized educational institution, as defined in section 337.010(4)(a), RSMo.

(2) In determining whether a school, college, university, or other institution of higher learning outside the United States is a "recognized educational institution," as defined in section 337.010(4)(b), RSMo, the applicant, upon request, shall furnish to the committee competent and substantial evidence, admissible in the courts of Missouri, that the educational institution is substantially equivalent to the standards of training of those programs accredited by a regional accrediting association recognized by the CHEA. Failure by the applicant to furnish that evidence to the committee shall constitute evidence that the educational institution is not a recognized educational institution, as defined in section 337.010(4)(b), RSMo.

AUTHORITY: section 337.050.9, RSMo 2000. This rule originally filed as 4 CSR 235-1.045. Original rule filed July 2, 1991, effective Feb. 6, 1992. Moved to 20 CSR 2235-1.045, effective Aug. 28, 2006. Amended: Filed Dec. 23, 2008, effective June 30, 2009.*

**Original authority: 337.050.9, RSMo 1977, amended 1981, 1989, 1993, 1995, 1996, 1998, 1999.*

20 CSR 2235-1.050 Renewal of License

PURPOSE: This rule establishes the obligation of licensees for renewal of their licenses.

(1) The required renewal information, renewal fee, and information related to the psychologist's practice and demographics for the purpose of collecting psychology workforce data shall be submitted prior to the expiration date of the license.

(2) Failure of a licensee to receive the notice to renew the license shall not excuse the licensee from the requirement of section 337.030, RSMo to renew the license.

(3) Any licensee who fails to renew the license within the sixty- (60-) day period set forth in section 337.030.2., RSMo shall not perform any act for which a license is required.

(4) Any licensee who fails to renew his/her license by January 31 of each even-numbered year and, within two (2) years of the registration renewal date, wishes to restore his/her license, shall pay the delinquency fee in addition to the renewal fee.

(5) Licensees who request to be classified as inactive pursuant to section 337.030.5, RSMo, may maintain their inactive status and receive a license indicating their inactive status by paying the inactive license renewal fee as provided in 20 CSR 2235-1.020. Holders of an inactive license need not complete the continuing education requirement. However, a holder of an inactive

license shall not have his/her license reactivated until he/she pays the required reactivation fee, and in addition, submits proof of having completed forty (40) continuing education hours within the two (2) years immediately prior to the date of reactivation. If a holder of an inactive license reactivates at the time of renewal, the licensee shall only be required to pay the renewal fee, and in addition, submit proof of having completed forty (40) continuing education hours within the two (2) years immediately prior to the date of reactivation.

AUTHORITY: sections 324.001, 337.030, and 337.050, RSMo Supp. 2020. This rule originally filed as 4 CSR 235-1.050. Original rule filed Aug. 11, 1983, effective Dec. 11, 1983. Amended: Filed May 4, 1987, effective Aug. 13, 1987. Amended: Filed Oct. 4, 1988, effective Dec. 29, 1988. Amended: Filed July 30, 1991, effective Feb. 6, 1992. Amended: Filed March 15, 2004, effective Sept. 30, 2004. Moved to 20 CSR 2235-1.050, effective Aug. 28, 2006. Amended: Filed Dec. 15, 2006, effective June 30, 2007. Amended: Filed Oct. 27, 2020, effective April 30, 2021.*

**Original authority: 324.001, RSMo 2008, amended 2009, 2016, 2018; 337.030, RSMo 1977, amended 1981, 1989, 1996, 2003, 2018; and 337.050, RSMo 1977, amended 1981, 1989, 1993, 1995, 1996, 1998, 1999, 2020.*

20 CSR 2235-1.060 Notification of Change of Address

PURPOSE: This rule establishes the obligation of licensees to inform the State Committee of Psychologists of their changes of address.

Within thirty (30) days of the effective date of the change, a licensee must inform the State Committee of Psychologists of all changes in the mailing address as it appears on the licensee's license by contacting the office of the State Committee of Psychologists.

AUTHORITY: sections 337.030 and 337.050.9, RSMo Supp. 1998. This rule originally filed as 4 CSR 235-1.060. Original rule filed Aug. 11, 1983, effective Dec. 11, 1983. Amended: Filed July 26, 1999, effective Feb. 29, 2000. Moved to 20 CSR 2235-1.060, effective Aug. 28, 2006.*

**Original authority: 337.030, RSMo 1977, amended 1981, 1989, 1996 and 337.050.9, RSMo 1977, amended 1981, 1989, 1993, 1995, 1996, 1998, 1999.*

20 CSR 2235-1.063 Replacement of Annual Registration Certificates and Original Wall-Hanging Licenses

PURPOSE: This rule establishes the procedures for replacing registration certificates, wall-hanging licenses,

or both, pursuant to section 337.030.3, RSMo.

(1) Licensees whose renewal registration certificates are lost, destroyed or mutilated or require replacement as a result of an incorrect address or name change, or who require additional certificates for additional practice locations may obtain a duplicate certificate, without charge, upon receipt of a statement indicating the need for the duplicate.

(2) Licensees whose original wall-hanging license is lost, destroyed or mutilated or require replacement as a result of a name change may be replaced upon submission of the following:

(A) Return of the original wall-hanging license or a notarized affidavit indicating the reason for the replacement and statement that the license has been lost, destroyed or is no longer in the possession of the licensee and that if the lost license is recovered it shall be forwarded to the committee immediately;

(B) A recent photograph of the licensee, if requested; and

(C) The nonrefundable replacement fee.

AUTHORITY: section 337.050.9, RSMo 2000. This rule originally filed as 4 CSR 235-1.063. Original rule filed July 2, 1991, effective Feb. 6, 1992. Amended: Filed July 26, 1999, effective Feb. 29, 2000. Moved to 20 CSR 2235-1.063, effective Aug. 28, 2006. Amended: Filed Dec. 15, 2006, effective June 30, 2007.*

**Original authority: 337.050, RSMo 1977, amended 1981, 1989, 1993, 1995, 1996, 1998, 1999.*

20 CSR 2235-1.065 Policy for Handling Release of Public Records

PURPOSE: This rule sets forth the committee's written policy in compliance with sections 610.010–610.030, RSMo regarding the release of information on any meeting, record or vote of the committee.

(1) The State Committee of Psychologists is a public governmental body as defined in Chapter 610, RSMo and adopts the following as its written policy for compliance with the provisions of that chapter. This policy is open to public inspection and implements the provisions of Chapter 610, RSMo regarding the release of information of any meeting, record or vote of the committee which is not closed pursuant to the provisions of Chapter 610, RSMo.

(2) All public records of the State Committee of Psychologists shall be open for inspection and copying by any member of the general public during normal business hours (8:00 a.m. to 5:00 p.m., Monday through Friday, holidays excepted) upon a minimum of a three

(3)-day notice and appointment except for those records closed pursuant to section 610.021, RSMo. All public meetings of the State Committee of Psychologists not closed pursuant to the provisions of section 610.021, RSMo, will be open to any member of the public.

(3) The State Committee of Psychologists establishes the executive director of the committee or his/her authorized representative as the custodian of its records as required by section 610.023, RSMo. The executive director or his/her authorized representative is responsible for the maintenance of the committee's records and is responsible for responding to requests for access to public records.

(4) Whenever a request for inspection of public records is made and the individual inspecting the records requests copies of the records, the committee may charge a reasonable fee for the cost for inspecting and copying the records. The fees charged by the committee shall be as follows:

(A) A fee for copying public records shall not exceed the actual cost of the document search and duplication;

(B) The committee may require payment for the fees prior to making the copies; and

(C) Fees collected shall be remitted to the director of revenue for deposit to the credit of the State Committee of Psychologists' Fund.

(5) Whenever a request for access to public records is made and the custodian believes that access is not required under the provisions of Chapter 610, RSMo, the custodian shall consult with the Office of the Attorney General before making a determination whether to deny access to the records. In the event that contact by the custodian with the Office of the Attorney General is not practicable or is impossible, the custodian may make a decision whether to deny access. However, in those events, the custodian shall consult with the Office of the Attorney General concerning the decision within five (5) working days of the decision. Whenever the decision is made to deny access, the custodian will comply with the requirements in section 610.023, RSMo concerning informing the individual requesting access to the records. Whenever the custodian denies access to the records, the custodian shall supply to members of the committee copies of the written response conveying the denial to the requesting individual. At the next meeting of the committee, the committee shall either affirm the decision of the custodian or reverse the decision of the custodian. In the event that the committee decides to reverse the decision of the custodian, the committee shall direct the custodian to so advise the person requesting access to the information and supply the access to the information during regular business hours at the convenience of the requesting party.

(6) The custodian shall maintain a file which will retain

copies of all written requests for access to records and responses to these requests through the current audit period. The file shall be maintained as a public record of the committee open for inspection by any member of the general public during regular business hours.

AUTHORITY: section 337.050.9, RSMo Supp. 1989. This rule originally filed as 4 CSR 235-1.065. Original rule filed Oct. 4, 1988, effective Dec. 29, 1988. Amended: Filed July 30, 1991, effective Feb. 6, 1992. Moved to 20 CSR 2235-1.065, effective Aug. 28, 2006.*

**Original authority: 337.050.9, RSMo 1977, amended 1981, 1989.*

Chapter 2

Licensure Requirements

**Title 20—DEPARTMENT OF COMMERCE AND
INSURANCE
Division 2235—State Committee of Psychologists
Chapter 2—Licensure Requirements**

**20 CSR 2235-2.001 Educational Requirements,
Section 337.021, RSMo**

PURPOSE: This rule interprets and clarifies section 337.021, RSMo.

(1) A person applying for licensure as a psychologist pursuant to section 337.021, RSMo shall be governed by this rule in force and effect on August 28, 1989.

(2) The phrase "a program of studies whose content was primarily psychological" as used in sections 337.020 and 337.021, RSMo shall be defined as any one (1) of the following:

(A) An educational program which has been approved, including provisional approval, by the Education and Training Board of the American Psychological Association, or its successor, or jointly designated by the Council for the National Register of Health Service Providers in Psychology and the American Association of State Psychology Boards, or its successor, at the time the applicant obtained the degree; or

(B) A graduate training program is as follows:

1. An integrated, organized sequence of study, the purpose of which is to educate and train people to be a professional psychologist;

2. Core course work in the basic areas of psychology and course work, and training in preparation for the professional practice of psychology, as defined in section 337.015.3. and 4., RSMo shall include at least one (1), three (3) semester-hour graduate credit course or a combination of graduate credit courses totaling three (3) semester-hours or five (5) quarter-hours in each of the following areas:

A. The biological bases of behavior, such as courses in sensation and perception, psychophysiological psychology and psychopharmacology, brain and behavior;

B. The cognitive-affective bases of behavior, such as courses in learning, thinking, motivation, emotion, and cognitive psychology;

C. The social bases of behavior, such as courses in the psychology of interpersonal relationships, group processes, social psychology, organizational theory, systems theory, group dynamics and role theory, and family systems theory;

D. Individual differences, such as courses in personality theory, human development, abnormal psychology, developmental psychology, child psychology, adolescent psychology, psychology of aging, psychopathology, and theories of personality; and

E. The scientific methods and procedures of understanding, predicting and influencing human behavior, such as courses in statistics, experimental design, psychometrics, individual testing, group testing, research design, and methodology;

3. Each course must be an in-depth study solely devoted to a particular core area. No core area credit will be given for a course which contains only components or some aspects of a core area;

4. A course will be counted only once in granting credit for a core area;

5. No core course credit will be given for practicums, workshops, continuing education, applied courses, experiential courses, readings courses, independent studies, or correspondence courses;

6. Credit will be given for seminar courses only if the applicant is awarded a grade for the course and provides substantiation through course descriptions in official school catalogs, course syllabi, bulletins or other like means, or through written documentation from a school official that the course was an in-depth study of a particular core area and that the course included lectures and discussions concerning a wide range of the key topics in that core area;

7. Titles of course work on official transcripts which are not self-explanatory must be substantiated through course descriptions in official school catalogs, course syllabi, bulletins or other like means, or through written documentation from a school official;

8. The committee will not count undergraduate level courses taken by an applicant as meeting any academic requirements unless the applicant's official graduate transcript clearly shows that the course was awarded graduate credit by the school or that a competency examination was successfully passed in that particular core area and is clearly shown on the transcript;

9. The committee will not accept course work for which an applicant received a failing or incomplete grade or for which no credit was given as indicated on the official transcript;

10. In evaluating transcripts, the committee shall consider one quarter (1/4) hour of academic credit as two-thirds (2/3) of a semester-hour;

11. An appropriate program of study also shall include graduate course work and supervised practical training in rendering services to individuals, groups, and organizations in preparation for the professional practice of psychology as defined in section 337.015.2. and 4., RSMo;

12. The applicant shall provide official transcripts and any other supporting evidence necessary to document the fact that these educational requirements have been met. The applicant has the burden of demonstrating that the academic course work and training constituted a program of study whose content was primarily psychological. A final determination of whether the program of study which formed the basis

of the applicant's degree was primarily psychological is within the discretion of the department;

13. An applicant who has been denied licensure as a result of inadequate educational experience and wishes to make up academic deficiencies and to obtain prior approval from the committee of the applicant's proposed plan for completing the deficiencies may submit a proposed plan for completing the academic requirements to the committee for its evaluation. Upon satisfactory completion of these deficiencies, the applicant shall reapply for licensure, submit the application fee, and file with the committee an official transcript or verification from the academic registrar's office or other like school official that the academic deficiencies have been completed;

14. The committee will review an applicant's educational credentials upon receipt of official educational transcripts received directly from the universities and upon payment of the fee for prior educational review; and

15. The committee will review an applicant's proposed plan for obtaining an appropriate educational degree or course work, or both, upon receipt of the photocopies of official school documents, such as course syllabi or catalog descriptions of course work and degree programs, and upon payment of the fee for prior educational review.

AUTHORITY: section 337.050.5, RSMo Supp. 2020. This rule was originally filed as 4 CSR 235-3.011. This rule previously filed as 4 CSR 235-2.001. Original rule filed Jan. 14, 1981, effective June 11, 1981. Amended: Filed Oct. 4, 1988, effective Dec. 29, 1988. Amended: Filed Feb. 4, 1992, effective Dec. 3, 1992. Moved to 20 CSR 2235-2.001, effective Aug. 28, 2006. Amended: Filed Feb. 4, 2021, effective July 30, 2021.*

**Original authority: 337.050, RSMo 1977, amended 1981, 1989, 1993, 1995, 1996, 1998, 1999, 2020.*

20 CSR 2235-2.005 Educational Requirements, Section 337.025, RSMo

PURPOSE: This rule interprets and clarifies section 337.025, RSMo.

(1) A person applying for licensure as a psychologist pursuant to section 337.025, RSMo, and who does not engage in the delivery of psychological health services as defined in 20 CSR 2235-1.015, shall be governed by the following: possession of a doctoral degree in psychology as defined in section 337.025.3, RSMo.

(2) A person applying for licensure as a psychologist pursuant to section 337.025, RSMo, and who will engage in the delivery of psychological health services as defined in 20 CSR 2235-1.015, shall be governed by the following:

(A) Possession of a doctoral degree in clinical or counseling psychology as defined in sections 337.025.3 and 337.033.3, RSMo; or

(B) Possession of a doctoral degree in clinical or counseling psychology from a respecialization program as defined in section 337.033.3 and 4, RSMo.

(3) The following criteria shall be used by the committee in evaluating the acceptability of course work obtained in the graduate program of the applicant seeking licensure pursuant to section 337.025.3(3) or 337.033.4(3), RSMo:

(A) Each course must be an in-depth study solely devoted to a particular core area. No core area credit will be given for a course which contains only components or some aspects of a core area;

(B) A course will be counted only once in granting credit for a core area;

(C) No core course credit will be given for practice, workshops, continuing education, applied courses, experiential courses, readings courses, independent studies, or correspondence courses;

(D) Credit will be given for seminar courses only if the applicant provides substantiation through satisfactory evidence that the course was an in-depth study solely devoted to a particular core area. This substantiation may be shown through one (1) or more of the following:

1. Course descriptions in official school catalogs;

2. Course syllabi; or

3. A signed written statement from a graduate dean, department chair or professor who taught the class that the course was an in-depth study solely devoted to a particular core area and that the course included lectures and discussions concerning a wide range of the key topics in that core area;

(E) Titles of course work on official transcripts which are not clear to the committee must be substantiated with satisfactory evidence. This substantiation may be shown through one (1) or more of the following:

1. Course descriptions in official school catalogs;

2. Course syllabi; or

3. A signed written statement from a graduate dean, department chair, or professor who taught the class that the course was an in-depth study solely devoted to a particular core area and that the course included lectures and discussions concerning a wide range of the key topics in that core area; and

(F) The committee will not count undergraduate level courses taken by an applicant as meeting any academic requirements unless the applicant's official graduate transcript clearly shows that the course was awarded graduate credit by the school or that a competency examination was successfully passed in that particular core area and is clearly shown on the transcript.

(4) The applicant, upon request, shall furnish to the committee satisfactory evidence that the degree is a doctoral degree in psychology.

(A) Satisfactory evidence shall be competent and substantial evidence admissible in the courts of Missouri establishing that the degree is a doctoral degree in psychology.

(B) Failure by the applicant to submit that evidence shall constitute evidence that the degree is not a doctoral degree in psychology.

(5) One year's residency as used in section 337.025.3(h), RSMo is defined as—at least nine (9) hours of weekly face-to-face psychological instruction, supervision, and/or consultation with multiple program faculty and students at the educational institution for a minimum of one (1) year.

AUTHORITY: sections 337.025, 337.033, and 337.050.9, RSMo Supp. 2020. This rule originally filed as 4 CSR 235-2.005. Original rule filed Feb. 4, 1992, effective Dec. 3, 1992. Amended: Filed June 1, 2000, effective Nov. 30, 2000. Moved to 20 CSR 2235-2.005, effective Aug. 28, 2006. Amended: Filed July 9, 2008, effective Jan. 30, 2009. Amended: Filed Nov. 20, 2020, effective June 30, 2021.*

**Original authority: 337.025, RSMo 1977, amended 1989, 1998, 2017, 2018; 337.033, RSMo 1989, amended 1998, 2018; and 337.050, RSMo 1977, amended 1981, 1989, 1993, 1995, 1996, 1998, 1999, 2020.*

20 CSR 2235-2.020 Supervised Professional Experience, Section 337.021, RSMo

PURPOSE: This rule defines the one year of supervised professional experience required of all applicants under section 337.020.2, RSMo.

(1) The supervised professional experience requirements for a person applying for licensure as a psychologist pursuant to section 337.021, RSMo shall be governed by this rule in force and effect on August 28, 1989. All applicants for licensure as a psychologist, whether applying on the basis of a master's degree or a doctorate degree, must have had at least one (1) year of satisfactory supervised professional experience in the general field of psychology as defined in this rule and must demonstrate compliance with this rule in the attestation forms provided by the committee. Attestation forms may be obtained by contacting the office of the State Committee of Psychologists.

(2) As applied to periods of supervised professional experience commencing before January 1, 1984, the phrase "satisfactory supervised professional experience in the general field of psychology" as used in section 337.021, RSMo (prior to August 28, 1989, referenced language appeared in section 337.020.2, RSMo) means post-degree training or practice of psychology in an organized health service training program or its

psychological equivalent under the supervision of a licensed psychologist who is not a relative of the trainee. Professional experience, which was gained by an applicant before September 28, 1977, will be deemed acceptable if the experience was supervised by a person, not a relative of the trainee, who would have been eligible for licensure at the time the supervision occurred. The psychological activities of the applicant shall be performed pursuant to the supervisor's order, control and full professional responsibility. Reports prepared by the applicant during the period of the supervised professional experience should be cosigned by the supervisor. The supervisor shall maintain a continuing relationship with the applicant and must meet with the applicant a minimum of one (1) hour per week in face-to-face individual supervision. Group supervision is not acceptable for supervised professional experience under this rule. The supervisor must certify to the department that the applicant has complied with these requirements for supervised professional experience.

(3) As applied to periods of supervision commencing on or after January 1, 1984 and on or before December 31, 1988, the phrase "satisfactory supervised professional experience in the general field of psychology" as used in section 337.021, RSMo (prior to August 28, 1989, referenced language appeared in section 337.020.2, RSMo) shall mean post-degree training or practice of psychology obtained under the supervision of a licensed psychologist who is not a relative of the trainee. This one (1) year of supervised professional experience must be acquired in an organized health service training program, however, an applicant may obtain, with prior approval by the committee, this experience in a setting other than an organized health service training program. If the applicant desires this special approval, s/he shall have his/her supervisor submit a written detailed description of the proposed program of supervised professional experience. The psychological activities of the applicant must be performed pursuant to the supervisor's order, control and full professional responsibility. Professional reports prepared by the applicant during the period of the supervised professional experience must be cosigned by the supervisor. The supervisor shall maintain a continuing relationship with the applicant and must meet with the applicant a minimum of one (1) hour per week in face-to-face individual supervision. Group supervision is not acceptable for supervised professional experience under this regulation. The supervisor must certify to the department that the applicant has complied with these requirements for satisfactory professional experience.

(4) As applied to periods of supervision commencing on or after January 1, 1989, the phrase "satisfactory supervised professional experience in the general field of psychology" as used in section 337.020.2, RSMo shall mean—

(A) Post-degree training or practice of psychology

obtained under the supervision of a licensed psychologist who is not a relative of the trainee;

(B) Supervised professional experience obtained in an organized training program for the delivery of psychological services. That organized training program shall include providing:

1. Services appropriate to the trainee's intended area of expertise and practice;

2. Exposure to and interaction with a variety of professionals and disciplines in the delivery of psychological services;

3. Delivery of a wide range of psychological services appropriate to the intended area of practice of the trainee to a diverse clientele population with regard to age, gender, socioeconomic status and other variables as appropriate to the intended area of practice;

4. Delivery of services using a variety of diagnostic and theoretically-based interventions as appropriate to the intended area of practice; and

5. At least eight (8) hours per month of regularly scheduled in-service training or other learning activities which, over the course of the period of the supervised professional experience, must include three (3) of the following categories:

A. Seminars, workshops or lectures;

B. Readings and structured group discussions;

C. Case conferences, consultations and collaborations with other professionals;

D. Grand rounds;

E. Attendance at psychological-oriented meetings conducted at the local, state, regional or national level; or

F. Psychologically-related continuing education credits approved by a recognized professional organization;

(C) Psychological activities of the trainee must be performed pursuant to the supervisor's order, control and full professional responsibility;

(D) Reports prepared by the trainee during the period of the supervised professional experience must be cosigned by the supervisor;

(E) The supervisor shall maintain a continuing relationship with the trainee and must meet with the trainee a minimum of one (1) hour per week in face-to-face individual supervision. Group supervision is not acceptable for supervised professional experience under this rule; and

(F) The supervisor must certify to the department through the committee that the trainee has complied with the requirements for supervised professional experience through the use of the attestation forms provided by the committee.

(5) Acceptable supervision occurs only when the supervisor and the applicant are both employed by or affiliated with the same professional setting.

(6) For purposes of this rule, the term relative of the trainee shall mean a spouse, parent, child, sibling of the whole- or half-blood, grandparent, grandchild, aunt or uncle of the trainee or one who has a present relationship to the trainee as stepparent or stepchild.

(7) For purposes of this rule, the phrase person, not a relative of the trainee, who would have been eligible for licensing at the time the supervision occurred shall mean a person who, at the time the supervision took place—

(A) Was not a relative of the trainee, as defined in section (6) of this rule;

(B) Could have satisfied the present educational requirements of section 337.020, RSMo; and

(C) Could have satisfied the experience requirements of section 337.020, RSMo and of this rule, except for the requirements of having had a licensable supervisor.

(8) Acceptable supervised professional experience shall constitute a minimum of fifteen hundred (1,500) hours of professional experience obtained in no less than a twelve (12) or no more than a twenty-four (24)-consecutive calendar-month period. In no case shall this experience be accumulated at the rate of less than twenty (20) hours per week nor more than fifty (50) hours per week.

(9) All supervision must be acquired subsequent to the receipt of the graduate degree. For the purpose of this rule, the date of the receipt of the graduate degree shall be the date the degree was conferred or awarded as set forth on the applicant's official academic transcript or as verified by the academic registrar or other like school official.

(10) The committee will review, upon request, a trainee's proposed or current plan of post-degree supervision to determine if the supervision is acceptable under this rule. All requests shall be submitted on the forms provided by the committee and accompanied by the prior review fee for post-degree supervision. All requests must be submitted to the committee thirty (30) days prior to a regularly scheduled committee meeting in order to be reviewed at that meeting.

(11) An applicant who has been denied licensure as a result of inadequate post-degree supervision who wishes to obtain prior review from the committee of his/her proposed plan for completing the post-degree supervision deficiencies shall submit a request on the forms provided by the committee accompanied with the prior review fee for post-degree supervision. All requests must be submitted to the committee no later than thirty (30) days prior to a regularly scheduled committee meeting in order to be reviewed at that meeting. Upon satisfactory completion of the deficiencies, the applicant shall reapply for licensure, submit the application fee and file with the committee an official attestation form from the supervisor that post-degree supervision deficiencies

have been completed.

AUTHORITY: sections 337.021 and 337.050.9, RSMo Supp. 1998. This rule originally filed as 4 CSR 235-2.020. Original rule filed Aug. 11, 1983, effective Dec. 11, 1983. Amended: Filed May 4, 1987, effective Aug. 13, 1987. Amended: Filed Oct. 4, 1988, effective Dec. 29, 1988. Amended: Filed Feb. 4, 1992, effective Dec. 3, 1992. Amended: Filed July 26, 1999, effective Feb. 29, 2000. Moved to 20 CSR 2235-2.020, effective Aug. 28, 2006.*

**Original authority: 337.021, RSMo 1989, amended 1997, 1998 and 337.050.9, RSMo 1977, amended 1981, 1989, 1993, 1995, 1996, 1998.*

20 CSR 2235-2.030 Post Master's Degree Supervised Professional Experience, Section 337.021, RSMo
(Rescinded January 30, 2009)

AUTHORITY: sections 334.125, RSMo 1986, 337.045.5, and 337.050.5, RSMo Supp. 1989. This rule originally filed as 4 CSR 235-2.030. Original rule filed Aug. 11, 1983, effective Dec. 11, 1983. Amended: Filed May 4, 1987, effective Aug. 13, 1987. Amended: Filed Oct. 4, 1988, effective Dec. 29, 1988. Amended: Filed Feb. 4, 1992, effective Dec. 3, 1992. Moved to 20 CSR 2235-2.030, effective Aug. 28, 2006. Rescinded: Filed July 9, 2008, effective Jan. 30, 2009.

20 CSR 2235-2.040 Supervised Professional Experience, Section 337.025, RSMo, for the Delivery of Psychological Health Services

PURPOSE: This rule defines the supervised professional experience requirements for the delivery of psychological health services under section 337.025, RSMo.

(1) Postdoctoral experience for those applicants who have completed a program in one or more of the American Psychological Association designated health service provider delivery areas, as defined in 20 CSR 2235-1.015(10), and who intend to seek health service provider certification, or who intend to principally engage in the delivery of psychological health services shall be governed by the following:

(A) Completion of Educational Requirements. All supervised professional experience must be acquired subsequent to the completion of all educational requirements as defined in section 337.027, RSMo. For the purposes of this rule, an applicant shall be deemed to have met the educational requirements when all degree and core course requirements, as defined in 20 CSR 2235-2.005, have been completed. Degree requirements have been met when indicated by conferral of the formal degree or at the time when all degree requirements established by the recognized educational institution for the degree have been met with the sole exception

that the degree has not been formally conferred and the institution so certifies in writing to the committee;

(B) Amount of Time.

1. Postdoctoral supervised professional experience shall consist of a minimum of fifteen hundred (1,500) hours of professional experience in the delivery of psychological health services obtained in no fewer than twelve (12) or more than twenty-four (24) calendar months. This experience must be accumulated at a rate of no fewer than twenty (20) hours per week nor more than fifty (50) hours per week.

2. The supervisee must obtain the supervised experience in the same organized training program unless otherwise approved by the committee.

3. Persons under supervision to satisfy the postdoctoral supervised professional experience may not claim hours obtained through the independent practice nor the supervised practice of another profession;

(C) Organized Training Program.

1. Postdoctoral supervised professional experience must be obtained in a program that meets one (1) of the following:

A. A postgraduate program designed to train the applicant in one or more of the health service provider delivery areas which has been accredited, or provisionally accredited by the American Psychological Association (herein "APA");

B. A postgraduate program designed to train the applicant in one or more of the health service provider delivery areas that is a member of the Association of Psychology Postdoctoral and Internship Centers (herein "APPIC");

C. A postgraduate program designed to train the applicant in one or more of the health service provider delivery areas for which the training program certifies in writing that it has a predoctoral degree internship program which is accredited, or provisionally accredited by APA or is a member of the Association of Psychology Postdoctoral and Internship Centers and further certifies that the postgraduate training program accorded the applicant complied with and met the standards of APA and/or APPIC relative to predoctoral and/or postdoctoral programs;

D. A postgraduate program designed to train the applicant in one or more of the health service provider delivery areas which substantially meets or is the equivalent to the standards required for accreditation by, or membership in, APA and/or APPIC; or

E. A postgraduate program designed to train the applicant in one or more of the health service provider delivery areas that meets or includes the following:

(I) Provides direct training and experience in the delivery of psychological health services. At least ten (10) hours per week must be direct client contact time;

(II) Occurs only when the supervisor and the applicant are employed by or affiliated with

the same professional setting; and at least one of the supervisors whether primary or designated secondary who is on-site at least fifteen (15) hours per week;

(III) Does not include a private practice setting in which the applicant operates, manages, has an ownership interest or administrative responsibility in the private practice;

(IV) Has at least one (1) licensed psychologist who is certified as a health service provider or who otherwise meets the requirements for health service provider certification and one (1) other licensed mental health professional (for example, psychiatrist, psychologist, marriage and family therapist, social worker, and/or professional counselor) who is employed by or affiliated with that organized training program and who is on-site not less than fifteen (15) hours per week; and

(V) Provides a minimum of five (5) hours per week of professional learning experiences. These professional learning experiences must be established clearly and agreed upon by the supervisee and supervisor at the initiation of the post-degree supervised experience and must include at least three (3) of the following categories:

(a) Treatment team meetings with the participation of the supervisor and other health professionals who are employed in the organized health training program. Treatment team meetings must involve discussion of diagnostic and therapeutic methods, goals and progress of clients;

(b) Attendance and participation in a structured didactic activity including grand rounds, case conferences, lectures, workshops, seminars or peer supervision;

(c) Readings from journals and books relevant to the delivery of psychological health service; and

(d) Professional psychological activity which contributes to the professional psychological community. These activities may include any one (1) or combination of the following:

I. The development, preparation and presentation of seminars, workshops, in-services, lectures or papers on topics relevant to the practice of psychology;

II. Participation in the administrative planning, development and implementation of psychological health services within the organized training program. Activities include serving on institutional or program committees designed to monitor and advance the delivery of psychological health services;

III. Participation in local, state, regional or national psychological organizations;

IV. The design, collection, analysis and presentation of research relevant to the practice of psychology; or

V. Teaching of a

graduate or undergraduate course in psychology at a recognized educational institution accredited by one (1) of the regional accrediting associations approved by the Council on Postsecondary Accreditation;

(D) Clinical Supervision. The psychological activities of the applicant shall be performed pursuant to the primary supervisor's order, control, and full professional responsibility. The primary supervisor shall maintain a continuing relationship with the applicant and shall meet with the applicant a minimum of one (1) hour per month in face-to-face individual supervision. Clinical supervision may be delegated by the primary supervisor to one or more secondary supervisor(s) who shall then retain order, control and full professional responsibility for the applicant's clinical work under their supervision and who shall then meet with the applicant a minimum of one (1) hour per week in face-to-face individual supervision. If the primary supervisor is also the clinical supervisor, the face-to-face meetings shall be a minimum of one (1) hour per week. Group supervision is not acceptable for supervised experience under this regulation;

(E) Supervisor Requirements.

1. The primary supervisor must be a licensed psychologist for at least one (1) year prior to start date of supervision and must also be a health service provider or one who otherwise meets the requirements for health service provider certification.

2. The secondary supervisor(s) if not a licensed psychologist, must be eligible for or otherwise meet the requirements for licensure as a psychologist in the state wherein the supervision occurred.

3. No supervisor, whether primary or secondary, may be a relative of the applicant, such as a spouse, parent, child, sibling of the whole- or half-blood, grandparent, grandchild, aunt, uncle, stepparent, stepchild, father-in-law, mother-in-law, brother-in-law or sister-in-law.

4. No supervisor, whether primary or secondary, may be under discipline by any licensing board or jurisdiction at any time during the period of supervised professional experience.

5. No supervisor, whether primary or secondary, shall have more than four (4) persons obtaining post-degree supervised professional experience for licensure under supervision at any one (1) time. Any supervisor wishing to petition the committee for additional supervisees may do so through a written request.

6. Must certify to the committee at the completion of the applicant's postdoctoral supervised professional experience that the supervisee has complied with the requirements for supervised professional experience through the use of the attestation forms provided by the committee;

7. Supervisor shall notify the committee in writing within five (5) business days if supervision should cease for any reason prior to established postdoctoral supervised professional experience end date. The supervisor shall complete an attestation form provided

by the committee for the period of supervised experience and forward it to the committee within two (2) weeks of the cessation of supervision.

(F) Supervisor/Supervisee Relationship.

1. All professional activities and psychological services provided by the supervisee must be performed pursuant to the supervisor's order, control and full professional responsibility. The supervisor, whether primary and/or secondary must be vested with administrative authority over matters affecting the provision of psychological health services which are being accorded under the supervision of the particular supervisor, whether primary and/or secondary, so that the ultimate responsibility for the welfare of every client is maintained by the supervising psychologist(s).

2. The supervisor(s) shall maintain a continuing relationship with the supervisee by their employment, affiliation in the same setting, or both. The supervisor(s) and supervisee should have frequent professional interactions.

3. Unless otherwise approved by the committee for good cause, all written documents, such as case notes, intake assessments, test reports, treatment plans and progress reports prepared by the supervisee during the period of the supervised professional experience must be reviewed, approved and cosigned by the appropriate supervisor;

(G) Variances. Supervisees seeking a variance in the acceptance of the supervision requirements shall make application to the committee which may be handled on a case-by-case basis;

(H) Prior Review. The committee, upon request, will review a supervisee's plan of post-degree supervised professional experience to determine if that supervision is acceptable under this rule. All requests shall be submitted on the forms provided by the committee and accompanied by the prior review fee for post-degree supervision. A prior review of educational credentials must be conducted prior to or simultaneously with a request of proposed plan of post-degree supervised professional experience. All requests must be submitted to the committee thirty (30) days prior to a regularly scheduled committee meeting; and

(I) Representation.

1. Throughout the period of postdoctoral supervised professional experience, the supervisee must represent him/herself to consumers of psychological services consistent with 20 CSR 2235-1.015.

2. Any individual, whether such individual be provisionally licensed or be unlicensed, who is working under the supervision of a licensed psychologist shall not be listed in telephone listings as providing psychological services.

3. Any individual, whether such individual be provisionally licensed or be unlicensed, who is working under the supervision of a licensed psychologist shall list the primary supervising psychologist's name and license number on all professional correspondence

(for example, testing reports and progress reports) and advertisements or notices (for example, brochures) of his/her professional services.

AUTHORITY: sections 337.025 and 337.050.9, RSMo 2000. This rule originally filed as 4 CSR 235-2.040. Original rule filed Feb. 4, 1992, effective Dec. 3, 1992. Amended: Filed July 26, 1999, effective Feb. 29, 2000. Moved to 20 CSR 2235-2.040, effective Aug. 28, 2006. Amended: Filed March 27, 2007, effective Sept. 30, 2007. Amended: Filed Aug. 30, 2007, effective Feb. 29, 2008.*

**Original authority: 337.025, RSMo 1977, amended 1989, 1998 and 337.050.9, RSMo 1977, amended 1981, 1989, 1993, 1995, 1996, 1998, 1999.*

20 CSR 2235-2.050 Supervised Professional Experience, Section 337.025, RSMo, for the Delivery of Nonhealth Psychological Services

PURPOSE: This rule defines the supervised professional experience requirements for nonhealth service providers under section 337.025, RSMo.

(1) Postdoctoral experience for those applicants who have not completed a program in one or more of the American Psychological Association designated health service provider delivery areas, as defined in 20 CSR 2235-1.015(10), and/or for those who do not intend to engage in the delivery of psychological health services shall be governed by the following:

(A) Completion of Educational Requirements. All supervised professional experience must be acquired subsequent to the completion of all educational requirements as defined in section 337.027, RSMo. For the purposes of this rule, an applicant shall be deemed to have met the educational requirements when all degree and core course requirements, as defined in 20 CSR 2235-2.005, have been completed. Degree requirements have been met when indicated by conferral of the formal degree or at the time when all degree requirements established by the recognized educational institution for the degree have been met with the sole exception that the degree has not been formally conferred and the institution so certifies in writing to the committee;

(B) Amount of Time. Postdoctoral supervised professional experience shall consist of a minimum of fifteen hundred (1500) hours of professional experience in the delivery of psychological services obtained in no fewer than twelve (12) or more than twenty-four (24) calendar months. This experience must be accumulated at a rate of no fewer than twenty (20) hours per week nor more than fifty (50) hours per week;

(C) Organized Training Program. Post-doctoral supervised professional experience must be obtained in an organized psychological training program for the delivery of psychological services. The organized

psychological training program shall include all of the following:

1. Provides direct training and experience in the delivery of psychological services appropriate to and consistent with the supervisee's education, training, experience and intended practice;

2. Provides exposure to and interaction with a variety of professionals and disciplines relevant to the delivery of psychological services;

3. Does not include a private practice setting in which the applicant operates, manages, has an ownership interest or administrative responsibility in the private practice; and

4. Provides a minimum of five (5) hours per week of professional learning activities. These professional learning experiences must be clearly established and agreed upon by the supervisee and supervisor at the initiation of post-degree supervision and may include any of the following:

- A. Project meetings and consultations with other professionals relevant to the supervisee's intended area of psychological practice;

- B. Readings from journals and books relevant to the supervisee's intended area of psychological practice;

- C. Attendance or presentation of workshops, seminars, in-services or lectures on topics relevant to the supervisee's intended area of practice;

- D. Coordinating and presenting research relevant to the supervisee's intended area of practice; or

- E. Teaching of a graduate or undergraduate course in psychology at a recognized educational institution accredited by one (1) of the regional accrediting associations approved by the Council on Postsecondary Accreditation;

(D) Supervision. The psychological activities of the applicant shall be performed pursuant to the primary supervisor's order, control, and full professional responsibility. The primary supervisor shall maintain a continuing relationship with the applicant and shall meet with the applicant a minimum of one (1) hour per month in face-to-face individual supervision. A portion of the supervision may be delegated by the primary supervisor to one (1) or more secondary supervisor(s) who shall then retain order, control and full professional responsibility for that portion of the applicant's work being performed under their supervision which supervisor shall then meet with the applicant a minimum of one (1) hour per week in face-to-face individual supervision. If there is only one (1) supervisor the meetings shall be a minimum of one (1) hour per week. Group supervision is not acceptable for supervised experience under this regulation;

(E) Supervisor Requirements.

1. The primary and all secondary supervisors, if any, must be licensed psychologist(s) or such other qualified professional(s), if preapproved, by the committee.

2. No supervisor, whether primary or secondary,

may be a relative of the applicant, such as a spouse, parent, child, sibling of the whole- or half-blood, grandparent, grandchild, aunt, uncle, stepparent, stepchild, father-in-law, mother-in-law, brother-in-law or sister-in-law.

3. No supervisor, whether primary or secondary, may be under discipline by any licensing board or jurisdiction at any time during the period of supervised professional experience.

4. No supervisor, whether primary or secondary, shall have more than four (4) persons obtaining post-degree supervised professional experience for licensure under supervision at any one (1) time. Any supervisor wishing to petition the committee for additional supervisees may do so through a written request.

5. All supervisors, whether primary and/or secondary, must certify to the committee at the completion of the applicant's postdoctoral supervised professional experience that the supervisee has complied with the requirements for supervised professional experience through the use of the attestation forms provided by the committee;

(F) Supervisor/Supervisee Relationship.

1. All professional activities and psychological services provided by the supervisee must be performed pursuant to the supervisor's(s') order, control, and full professional responsibility. The supervisor, whether primary and/or secondary, must be vested with administrative authority over matters affecting the delivery of the psychological services being accorded under the supervision of a particular supervisor, whether primary and/or secondary, so that the ultimate responsibility for the welfare of the public and/or any client is maintained by the supervising psychologists.

2. The supervisor(s) shall maintain a continuing relationship with the supervisee. The supervisor(s) and supervisee should have frequent professional interactions. Group supervision is not acceptable for supervised professional experience under this rule. The supervisee must complete at least forty-eight (48) hours of weekly supervision sessions.

3. Unless otherwise approved by the committee for good cause, all work products prepared by the supervisee must be reviewed, approved and cosigned by the appropriate supervisor;

(G) Variances. Supervisees seeking a variance in the acceptance of the supervision requirements shall make application to the committee which may be handled on a case-by-case basis;

(H) Prior Review. The committee, upon request, will review a supervisee's plan of post-degree supervised professional experience to determine if that supervision is acceptable under this rule. All requests shall be submitted on the forms provided by the committee and accompanied by the prior review fee for post-degree supervision. A prior review of educational credentials must be conducted prior to or simultaneously with a request of proposed plan of post-degree supervised

professional experience. All requests must be submitted to the committee thirty (30) days prior to a regularly scheduled committee meeting; and

(I) Representation.

1. Throughout the period of postdoctoral supervised professional experience, the supervisee must represent him/herself to consumers of psychological services consistent with 20 CSR 2235-1.015.

2. Any individual, whether such individual be provisionally licensed or be unlicensed, who is working under the supervision of a licensed psychologist shall not be listed in telephone listings as providing psychological services.

3. Any individual, whether such individual be provisionally licensed or unlicensed, who is working under the supervision of a licensed psychologist shall list the primary supervising psychologist's name and license number on all professional correspondence (for example, testing reports and progress reports) and advertisements or notices (for example, brochures) of his/her professional services.

AUTHORITY: sections 337.025 and 337.050.9, RSMo 2000. This rule originally filed as 4 CSR 235-2.050. Original rule filed Feb. 4, 1992, effective Dec. 3, 1992. Amended: Filed July 26, 1999, effective Feb. 29, 2000. Moved to 20 CSR 2235-2.050, effective Aug. 28, 2006. Amended: Filed July 9, 2008, effective Jan. 30, 2009.*

**Original authority: 337.025, RSMo 1977, amended 1989, 1998 and 337.050.9, RSMo 1977, amended 1981, 1989, 1993, 1995, 1996, 1998, 1999.*

20 CSR 2235-2.060 Licensure by Examination

PURPOSE: This rule outlines the requirements and procedures for applying for licensure through examination.

(1) Every applicant for initial licensure by the committee as a psychologist, except those meeting the requirements of section 337.029.1, RSMo, or 20 CSR 2235-2.070, shall be required to take and pass all examinations as prescribed by the committee.

(2) Examination Process. The full examination for licensure shall consist of three (3) component examinations. Applicants will not be required to be reexamined over parts of the examination process they have passed.

(A) Objective Examination. Applicants shall be required to take the Examination for Professional Practice in Psychology (EPPP).

(B) Jurisprudence Examination. A jurisprudence examination based on Missouri law and regulations governing the practice of psychology, professional affairs, and ethics will be administered each year at sites, dates, and times approved by the committee.

(C) Oral Examination. An oral examination will include questions related to areas of ethics, professional practice, and any other subject matter, pertinent to the practice of psychology, about which the committee wishes to examine the applicant. The applicant must first pass the examinations specified in subsections (A) and (B) hereof before being allowed to take or complete the oral examination.

(3) Passing Scores on Examination.

(A) From October 19, 1979, to March 31, 1995, an applicant will be deemed to have passed the EPPP examination if the score is equal to or greater than the national mean score for that examination as computed by the testing service. For purposes of computing an applicant's score, the standard error of the mean shall not be considered.

(B) An applicant, who sat for the EPPP between April 1, 1995, and April 30, 2001, will be deemed to have passed the examination if the score obtained is equal to or greater than seventy percent (70%) at said sitting as computed by the testing service.

(C) Beginning May 1, 2001, an applicant is deemed to have passed the objective examination if he/she has obtained at least the minimum pass point designated by the developer of the EPPP examination.

(D) An applicant is deemed to have passed the jurisprudence portion of the examination if he/she has seventy percent (70%) of the total items correct on that examination. An applicant must pass both the objective and jurisprudence examinations before being eligible for the oral examination.

(4) Reexamination. Any applicant who fails the EPPP examination must apply for authorization to retake the examination. An applicant may take the examination four (4) times in a twelve (12)-month period, calculated from the first date the applicant took the EPPP. If the examination is not passed within two (2) years, calculated from the first date the applicant took the EPPP, the application will be denied for failure to pass the examination. The former applicant may reapply for licensure by submitting a new application for consideration by the committee in accordance with the current requirements to become licensed as a psychologist in Missouri.

AUTHORITY: sections 337.020 and 337.050.9, RSMo 2000. This rule originally filed as 4 CSR 235-2.060. Original rule filed July 30, 1991, effective Feb. 6, 1992. Emergency amendment filed Feb. 28, 1995, effective March 10, 1995, expired July 7, 1995. Amended: Filed March 31, 1995, effective Sept. 30, 1995. Amended: Filed July 26, 1999, effective Feb. 29, 2000. Rescinded and readopted: Filed March 1, 2001, effective Aug. 30, 2001. Moved to 20 CSR 2235-2.060, effective Aug. 28, 2006. Amended: Filed Dec. 23, 2008, effective June 30, 2009. Amended: Filed June 5, 2013, effective Jan. 30, 2014.*

**Original authority: 337.020, RSMo 1977, amended 1981, 1989, 1995, 1996, 1997, 1998 and 337.050.9, RSMo 1977, amended 1981, 1989, 1993, 1995, 1996, 1998, 1999.*

20 CSR 2235-2.065 Licensure by Endorsement of Written EPPP Examination Score

PURPOSE: This rule outlines procedures for receiving and considering the applicants' Examination for the Professional Practice in Psychology score(s) taken previously in another state or jurisdiction.

(1) Any applicant who has taken the Examination for the Professional Practice in Psychology (EPPP) and who wishes to apply for licensure by endorsement of score shall submit to the committee the following:

- (A) The nonrefundable application fee;
- (B) The completed application, including all documents, supporting material and official transcripts required by the committee; and
- (C) The EPPP test scores sent directly from the Licensed Psychologists Data Source, a service of the Association of State and Provincial Psychology Boards (ASPPB).

(2) Passing Scores on Examination.

(A) October 19, 1979, to March 31, 1995, an applicant will be deemed to have passed the examination if the score is equal to or greater than the national mean score for that examination as computed by the testing service. For purposes of computing an applicant's score, the standard error of the mean shall not be considered.

(B) An applicant, who sat for the EPPP between April 1, 1995, and April 30, 2001, will be deemed to have passed the examination if the score obtained is equal to or greater than seventy percent (70%) at said sitting as computed by the testing service.

(C) Beginning May 1, 2001, an applicant is deemed to have passed the objective examination if he/she has obtained at least the minimum pass point designated by the developer of the examination.

(D) An applicant is deemed to have passed the jurisprudence portion of the examination if he/she has seventy percent (70%) of the total items correct on that examination. An applicant must pass both the objective and jurisprudence examinations before being eligible for the oral examination.

(E) An applicant must meet all other current requirements for licensure in this state at the time the application was received.

AUTHORITY: sections 337.020 and 337.050.9, RSMo 2000. This rule was originally filed as 4 CSR 235-1.035. This rule previously filed as 4 CSR 235-2.065. Original rule filed Oct. 4, 1988, effective Dec. 29, 1988. Amended: Filed July 30, 1991, effective Feb. 6, 1992.*

Emergency amendment filed Feb. 28, 1995, effective March 10, 1995, expired July 7, 1995. Amended: Filed March 31, 1995, effective Sept. 30, 1995. Amended: Filed July 26, 1999, effective Feb. 29, 2000. Moved to 20 CSR 2235-2.065, effective Aug. 28, 2006. Amended: Filed June 5, 2013, effective Jan. 30, 2014.

**Original authority: 337.020, RSMo 1977, amended 1981, 1989, 1995, 1996, 1997, 1998 and 337.050.9, RSMo 1977, amended 1981, 1989, 1993, 1995, 1996, 1998, 1999.*

20 CSR 2235-2.070 Licensure by Reciprocity

PURPOSE: This rule interprets and clarifies the language of section 337.020.2(c), RSMo which demonstrates the legislative desire to license without examination, as psychologists, those applicants licensed in another state.

(1) In order to be licensed as a psychologist in Missouri by reciprocity, an applicant shall—

(A) File an application for licensure pursuant to 20 CSR 2235-1.030;

(B) Be twenty-one (21) years of age;

(C) Provide satisfactory evidence on forms provided by the committee that the applicant is then currently licensed in another jurisdiction including any state, territory of the United States, or the District of Columbia; that the applicant has had no violations and no suspensions and no revocation of a license to practice psychology in any jurisdiction and meets one (1) of the following criteria:

1. Be a diplomate of the American Board of Professional Psychology;

2. Be a member of the National Register of Health Service Providers in Psychology;

3. Be currently licensed or certified in another state, territory of the United States, or the District of Columbia, and—

A. Have a doctoral degree in psychology from a program accredited, or provisionally accredited by the American Psychological Association or that meets the requirements set forth in subdivision (3) of subsection 3 of section 337.025;

B. Have been licensed for the preceding five (5) years; and

C. Have had no disciplinary action taken against the licensee for the preceding five (5) years; or

4. Holds a current certificate of professional qualification (CPQ) issued by the Association of State and Provincial Psychology Boards (ASPPB).

(D) Have the burden of providing satisfactory evidence to the committee of his/her diplomate, member, licensure, or certification status as specified in paragraph (1)(C)1., 2., 3., or 4.; and

(E) Have the burden of providing, as appropriate and necessary to his/her particular application, true and

accurate certified copies of the licensure or certification requirements from the state(s), territory(ies) of the United States, or the District of Columbia for which s/he is applying for reciprocal licensure as specified in paragraphs (1)(C)1., 2., 3., or 4. All copies must be certified by the licensing or certification office(s).

AUTHORITY: sections 337.029 and 337.050, RSMo Supp. 2020. This rule was originally filed as 4 CSR 235-4.020. This rule previously filed as 4 CSR 235-2.070. Original rule filed Sept. 5, 1978, effective Dec. 11, 1978. Amended: Filed Oct. 4, 1988, effective Dec. 29, 1988. Amended: Filed July 2, 1991, effective Feb. 6, 1992. Amended: Filed July 26, 1999, effective Feb. 29, 2000. Moved to 20 CSR 2235-2.070, effective Aug. 28, 2006. Amended: Filed April 8, 2009, effective Sept. 30, 2009. Amended: Filed Nov. 20, 2020, effective June 30, 2021.*

**Original authority: 337.029, RSMo 1989, amended 1995, 1998, 2001, 2008, 2018, 2020 and 337.050, RSMo 1977, amended 1981, 1989, 1993, 1995, 1996, 1998, 1999, 2020.*

20 CSR 2235-2.080 Non-Licensed Persons Engaging in Activities Defined as the Practice of Psychology

PURPOSE: This rule defines the restrictions of non-licensed persons engaging in activities defined as the practice of psychology and any licensee associated with the practice of such person.

(1) A person who does not hold a license to practice as a psychologist but who nonetheless may engage in activities defined as the practice of psychology under the provisions of section 337.045(3), RSMo, and any licensee associated with the practice of such a person, shall abide by the following restrictions:

(A) Psychological Trainee. A trainee shall neither deliver psychological services nor be requested to deliver psychological services, but may participate in the delivery of services by a licensed psychologist. Patient records shall document disclosure of the psychological trainee's status and reflect the activities of the psychological trainee. Training is part of the educational process and not an alternative to licensure;

(B) Psychological Intern. A psychological intern may deliver psychological services, in accordance with the requirements of a degree program, under the immediate supervision of a licensed psychologist who has complete responsibility for the needs of the patient and the actions of the psychological intern. Patient records must reflect the activities of the intern and be signed by the responsible psychologist. Patient records must document disclosure of the psychological intern's status and the responsibility of the supervising psychologist. Internships are part of the educational process, and are not an opportunity to practice psychology without a license;

(C) Psychological Resident. A psychological resident may deliver psychological services under the supervision of a licensed psychologist who has complete responsibility for the needs of the patient and the actions of the psychological resident. Patient records must reflect the activities of the resident, and be signed by the responsible psychologist. Patient records shall document disclosure of the psychological resident's status and the responsibility of the supervising psychologist. The practice of psychology by a resident is done under close supervision to ensure the protection of the public and to permit the profession to judge the qualifications of the resident. It is done to determine fitness for licensure, and is not intended to allow the practice of psychology without a license;

(D) Psychological Assistant. A psychological assistant's practice shall be under the supervision of a licensed psychologist. Patient records must reflect the activities of the assistant, and be signed by the responsible psychologist. Patient records shall document disclosure of the psychological assistant's status and the responsibility of the supervising psychologist. The assistant's practice is for the benefit of the patients treated during a brief period of time between residency and licensure. Continuity of patient care is the sole purpose of allowing a psychological assistant to deliver psychological services. New patients should not be accepted during this brief time period. Practice as a psychological assistant is not an alternative to licensure. A psychological assistant who is not provisionally licensed shall file a Supervision Agreement with the committee prior to acting as an assistant. A person working in the capacity of psychological assistant who is not provisionally licensed may do so for up to two (2) years from the date of formal approval of the Supervision Agreement by the committee;

(E) Qualified Assistant. The activities and functions of the qualified assistant are the full responsibility and liability of the licensed psychologist. Qualified assistants may not diagnose, interpret psychological tests, or perform psychotherapy. Patient records shall document disclosure of the status of the qualified assistant and reflect the activities of the qualified assistant. Nothing in this rule shall be construed to require a person who is otherwise exempt from licensure pursuant to section 337.045, RSMo, to act or otherwise serve as a qualified assistant; and

(F) Provisionally Licensed Psychologist. The scope of practice of a provisionally licensed psychologist is limited by section 337.020.5, RSMo, and the applicable limitations placed on either psychological residents or psychological assistants, whichever classification applies to the provisional licensee.

AUTHORITY: sections 337.045 and 337.050.9, RSMo 2000. Original rule filed April 8, 2009, effective Sept. 30, 2009.*

**Original authority: 337.045, RSMo 1977, amended 1981, 1989, 1996, 1998 and 337.050.9, RSMo 1977, amended 1981, 1989, 1993, 1995, 1996, 1998, 1999.*

Chapter 3

Health Service Provider Certification

**Title 20—DEPARTMENT OF COMMERCE AND
INSURANCE**

**Division 2235—State Committee of Psychologists
Chapter 3—Health Service Provider Certification**

**20 CSR 2235-3.020 Health Service Provider
Certification**

PURPOSE: This rule defines the requirements for obtaining health service provider certification as set forth in sections 337.025.4, 337.025.5 and 337.033, RSMo.

(1) Eligibility Requirements.

(A) Any person lawfully licensed as a psychologist in this state as of August 28, 1989; provided, however, that this person shall limit his/her practice to demonstrated areas of competence as documented by relevant professional education, training and experience as defined in paragraph (3)(C)1.

(B) Any person approved by the committee to sit for the Examination for Professional Practice in Psychology (EPPP) in this state prior to August 28, 1989, and who subsequently passes the examination and receives licensure as a psychologist prior to August 28, 1996; provided, however, that this person shall limit his/her practice to demonstrated areas of competence as documented by relevant professional education, training and experience as defined in paragraph (3)(C)1.

(C) Any person lawfully licensed as a psychologist in this state after August 28, 1989, based upon a doctoral degree, who meets the educational requirements, as defined in 20 CSR 2235-2.005, and post-degree supervision requirements as defined in 20 CSR 2235-2.040.

(D) Any person lawfully licensed in this state as a psychologist and who is—

1. A diplomate of the American Board of Professional Psychology in one or more of the following specialty areas:

- A. Behavioral psychology;
- B. Clinical psychology;
- C. Clinical neuropsychology;
- D. Counseling psychology;
- E. Family psychology;
- F. Forensic psychology;
- G. Health psychology;
- H. Psychoanalysis in psychology;
- I. Rehabilitation psychology; and
- J. Educational/school psychology; or

2. A member of the National Register of Health Service Providers in Psychology.

(2) Representation. A psychologist may not represent or hold him/herself out as a psychological health service provider unless the psychologist has first received the psychologist health service provider certification from the committee or otherwise meets the requirements of subsection (1)(D).

(3) Delivery of Psychological Health Services.

(A) Pursuant to section 337.033.3, RSMo, the term relevant professional education and training for health service provider certification in the delivery of psychological health services for persons applying for licensure under section 337.025, RSMo is defined as follows:

1. Education—Possession of a doctoral degree with an emphasis, or concentration, in one of the health service provider delivery areas as defined in 20 CSR 2235-1.015(10);

2. Training—Supervised practicum or internship in the delivery of psychological health services as part of the graduate degree program; and

3. Experience—Supervised post-degree professional experience as defined in 20 CSR 2235-2.040.

(B) A psychologist may obtain a psychological health service provider certificate and engage in the delivery of psychological health services provided s/he meets the eligibility requirements as set forth in subsection (1)(A), (B) or (C).

(C) A psychologist may provide psychological health services without possessing a health service provider certificate; provided, s/he meets the following criteria:

1. Possession of a current and valid psychologist license in this state based upon the following relevant professional education, training, and experience pursuant to sections 337.021 and 337.033.1, RSMo:

A. Education and training—section 337.021, RSMo.

(I) For persons licensed prior to August 28, 1989, or who have been approved to sit for the examination prior to August 28, 1989, who subsequently obtain licensure pursuant to section 337.021, RSMo, possession of a master's or doctoral degree from a program whose educational emphasis and training was in one of the designated health service provider delivery areas as defined in 20 CSR 2235-1.015(10), guidance and counseling, counselor education, mental health services, or such other program as the committee may from time-to-time approve.

(II) For persons enrolled in a program prior to August 28, 1990, possession of a master's or doctoral degree as defined in 20 CSR 2235-2.001 whose educational emphasis and training was in one of the designated health service provider delivery areas as defined in 20 CSR 2235-1.015(10), guidance and counseling, counselor education, mental health services, or such other program as the committee may from time-to-time approve and whose supervised practicum or internship was in the delivery of psychological health services as part of the graduate degree program; and

B. Supervision—section 337.021, RSMo.

(I) For persons licensed or approved to sit for the examination on the basis of a doctoral degree prior to August 28, 1989, one (1) year of post-degree

supervised professional experience in the delivery of psychological health services and for persons licensed or approved to sit for the examination on the basis of a master's degree prior to August 28, 1989, three (3) years of post-degree supervised professional experience in the delivery of psychological health services.

(II) For persons obtaining licensure on the basis of a doctoral degree prior to August 28, 1996, one (1) year of post-degree supervised professional experience as defined in 20 CSR 2235-2.020 in the delivery of psychological health services; and for persons obtaining licensure on the basis of a master's degree prior to August 28, 1996, three (3) years of post-degree supervised professional experience as defined in 20 CSR 2235-2.030 in the delivery of psychological health services; provided, however, that all requirements for initial licensure as defined in section 337.021.6, RSMo are completed prior to August 28, 1996.

(4) Educational Requirements.

(A) The educational requirements for individuals applying for licensure based upon section 337.025, RSMo for the purpose of obtaining health service provider certification shall be governed by sections 337.033.3 and 337.033.4, RSMo and 20 CSR 2235-2.005.

(B) The educational requirements for individuals applying for licensure based upon a respecialization program in order to obtain health service provider certification shall be governed by sections 337.033.3 and 337.033.4, RSMo and 20 CSR 2235-2.005.

(C) Any person licensed as a psychologist in this state based upon a master's degree after August 28, 1989, with the exception of those individuals meeting the requirement of subsection (1)(B), may obtain health service provider certification by meeting the educational requirements as defined in 20 CSR 2235-2.005 in addition to obtaining postdoctoral degree supervision as set forth in 20 CSR 2235-2.040.

(D) The educational, training, and experience requirements for individuals applying for health service provider certification that have been licensed by reciprocity pursuant to section 337.029, RSMo and/or by endorsement of score pursuant to 20 CSR 2235-2.065 shall be governed by section 337.029.3, RSMo.

(5) Post-Degree Supervision Requirements. The postdoctoral degree supervised professional experience requirements for health service provider certification for an individual receiving licensure as a psychologist after August 28, 1989, pursuant to section 337.025, RSMo shall be governed by 20 CSR 2235-2.040.

AUTHORITY: sections 337.033 and 337.050.9, RSMo 2000. This rule originally filed as 4 CSR 235-3.020. Original rule filed Feb. 4, 1992, effective Dec. 3, 1992. Amended: Filed July 26, 1999, effective Feb. 29, 2000. Moved to 20 CSR 2235-3.020, effective Aug. 28, 2006.*

Amended: Filed July 9, 2008, effective Jan. 30, 2009.

**Original authority: 337.033, RSMo 1989, amended 1998 and 337.050.9, RSMo 1977, amended 1981, 1989, 1993, 1995, 1996, 1998, 1999.*

Chapter 4

Public Complaint Handling and Disposition Procedures

**Title 20—DEPARTMENT OF COMMERCE AND
INSURANCE**

**Division 2235—State Committee of Psychologists
Chapter 4—Public Complaint Handling and
Disposition Procedures**

**20 CSR 2235-4.030 Public Complaint Handling and
Disposition Procedure**

PURPOSE: This rule establishes a procedure for the receipt, handling and disposition of public complaints pursuant to the mandate of section 620.010.15(6), RSMo.

(1) The State Committee of Psychologists will receive and process each complaint made against any licensee, registrant of the committee or unlicensed individual or entity, which complaint alleges certain acts or practices which may constitute one (1) or more violation(s) of the provisions of Chapter 337, RSMo. Any member of the public, the profession, or any federal, state or local official may make and file a complaint with the committee. Complaints will be received from sources both within and without Missouri and processed in the same manner as those originating within Missouri. No member of the State Committee of Psychologists may file a complaint with this committee while holding that office, unless that member is excused from further committee deliberation or activity concerning the matters alleged within that complaint. The executive director or any committee staff member may file a complaint pursuant to this rule in the same manner as any member of the public.

(2) Complaints shall be mailed or delivered to the following address: State Committee of Psychologists, 3605 Missouri Boulevard, P.O. Box 1335, Jefferson City, MO 65102. Complaints may be based upon personal knowledge or upon information and belief reciting information received from other sources.

(3) All complaints shall be made in writing. Oral or telephone communications will not be considered or processed as complaints, but the person making those communications will be asked to supplement those communications with a written statement.

(4) Each complaint received under this rule will be maintained in a log kept by the committee. The log will contain a record of each complainant's name and address, if given; the name and address of the subject(s) of the complaint; the date each complaint is received by the committee; a brief statement of the acts complained of, including the name of any person injured or victimized by the alleged acts or practices; a notation whether the complaint resulted in its dismissal by the committee or in formal charges being filed with the Administrative Hearing Commission; and the ultimate disposition of the complaint. This log shall be a closed record of the

committee.

(5) Each complaint received under this rule shall be acknowledged in writing. The complainant shall be notified of the ultimate disposition of the complaint.

(6) This rule shall not be deemed to limit the committee's authority to file a complaint with the Administrative Hearing Commission charging a licensee or registrant of the committee with any actionable conduct or violation, whether or not a complaint exceeds the scope of the acts charged in a preliminary public complaint filed with the committee and whether or not any public complaint has been filed with the committee.

(7) The committee interprets this rule, which is required by law, to exist for the benefit of those members of the public who submit complaints to the committee. This rule is not deemed to protect or inure to the benefit of those licensees, registrants or other persons against whom the committee has instituted or may institute administrative or judicial proceedings concerning possible violations of the provisions of Chapter 337, RSMo.

AUTHORITY: sections 337.050.9, and 620.010.15(6), RSMo Supp. 1998. This rule was originally filed as 4 CSR 235-1.040. This rule previously filed as 4 CSR 235-4.030. Original rule filed Feb. 10, 1982, effective May 13, 1982. Amended: Filed May 4, 1987, effective Aug. 13, 1987. Amended: Filed Oct. 4, 1988, effective Dec. 29, 1988. Amended: Filed July 2, 1991, effective Feb. 6, 1992. Amended: Filed July 26, 1999, effective Feb. 29, 2000. Moved to 20 CSR 2235-4.030, effective Aug. 28, 2006.*

**Original authority: 337.050.9, RSMo 1977, amended 1981, 1989, 1993, 1995, 1996, 1998 and 620.010.15(6), RSMo 1973, amended 1981, 1983, 1986, 1989, 1990, 1993, 1994, 1995.*

Chapter 5

Rules of Conduct

**TITLE 20—DEPARTMENT OF COMMERCE AND
INSURANCE**
Division 2235—State Committee of Psychologists
Chapter 5—Rules of Conduct

20 CSR 2235-5.030 Ethical Rules of Conduct

PURPOSE: This rule complies with section 337.050, RSMo, which allows the committee through the division to promulgate ethical principles governing the practice of psychology.

(1) General Principles.

(A) Purpose. The ethical rules of conduct constitute the standards against which the required professional conduct of a psychologist is measured.

(B) Scope. The psychologist shall be governed by these ethical rules of conduct whenever providing psychological services in any context. These ethical rules of conduct shall apply to the conduct of all licensees and applicants, including the applicant's conduct during the period of education, training, and employment which is required for licensure. The term psychologist, as used within these ethical rules of conduct, shall be interpreted accordingly whenever psychological services are being provided in any context.

(C) Responsibility for Own Actions. The psychologist, when functioning as a licensed psychologist, shall be fully responsible for his/her own professional decisions and professional actions.

(D) Violations. A violation of these ethical rules of conduct constitutes unprofessional conduct and is sufficient reason for disciplinary action or denial of either original licensure, reinstatement, or renewal of licensure.

(E) Aids to Interpretation. The Ethical Principles of Psychologists, Code of Conduct, Standards of Providers of Psychological Services and Specialty Guidelines for the Delivery of Psychological Services, (publication date August, 1990) promulgated by the American Psychological Association and the Code of Conduct (publication date August, 1990) promulgated by the Association of State and Provincial Psychology Boards, shall be used as an aid in resolving ambiguities which may arise in the interpretation of the ethical rules of conduct, except that these ethical rules of conduct shall prevail whenever any conflict exists between these rules and any professional association standard. The Ethical Principles of Psychologists and Code of Conduct, Standards of Providers of Psychological Services and Specialty Guidelines for the Delivery of Psychological Services can be obtained from the American Psychological Association, 750 First Street, NE, Washington, DC 20002-4242, or by calling (800) 374-2721. The Code of Conduct can be obtained by contacting the Association of State and Provincial Psychology Boards, PO Box 241245, Montgomery, AL 36124-1245 or by calling (334) 832-4580.

(2) Definitions.

(A) Client—means a receiver of psychological

services. A corporate entity or other organization can be a client when the professional contract is to provide services of benefit primarily to the organization rather than to individuals. In the case of individuals with legal guardians, including minors and legally incompetent adults, the legal guardian shall be the client for decision making purposes, except that the individual receiving services shall be the client for:

1. Issues directly affecting the physical or emotional safety of the individual, such as sexual or other exploitative multiple relationships; and
2. Issues specifically reserved to the individual, and agreed to by the guardian prior to rendering of services, such as confidential communication in a therapy relationship.

(B) Confidential information—means information revealed by an individual(s) or otherwise obtained by a psychologist, where there is a reasonable expectation that because of the relationship between the individual(s) and the psychologist, or the circumstances under which the information was revealed or obtained, the information shall not be disclosed by the psychologist without the informed written consent of the individual(s). When a corporation or other organization is the client, rules of confidentiality apply to information pertaining to the organization, including personal information about individuals when obtained in the proper course of that contract. That information about individuals is subject to confidential control of the organization, not of the individual, and can be made available to the organization, unless there is reasonable expectation by that individual that information was obtained in a separate professional relationship with that individual and is therefore subject to confidentiality requirements in itself.

(C) Court order—means the written or oral communication of a member of the judiciary, or other court magistrate or administrator, if that authority has been lawfully delegated to that magistrate or administrator.

(D) Licensed—means licensed, certified, registered, or any other term when such term identifies a person whose professional behavior is subject to regulation by the committee.

(E) Professional relationship—means a mutually agreed upon relationship between a psychologist and a client(s) for the purpose of the client(s) obtaining the psychologist's professional expertise.

(F) Professional service—means all actions of the psychologist in the context of a professional relationship with a client.

(G) Supervisee—means any person, including a psychological trainee, psychological intern, psychological resident, provisionally licensed psychologist, psychological assistant, and qualified assistant who functions under the extended authority of the psychologist to provide, or while in training to provide, psychological services.

(3) Competence.

(A) Limits on Practice. The psychologist shall limit practice and supervision to the areas in which competence has been gained through professional education, training derived through an organized training program and supervised professional experience. If important aspects of the client's problems fall outside the boundaries of competency, then the psychologist shall assist his/her client in obtaining additional professional consultation.

(B) Maintaining Competency. The psychologist shall maintain current competency in the areas in which s/he practices, through continuing education, consultation, other training, or any combination of these, in conformance with current standards of scientific and professional knowledge.

(C) Adding New Services and Techniques.

1. The psychologist, when developing competency in a new service or technique, shall engage in ongoing consultation with other psychologists or relevant professionals and shall seek appropriate education, training, supervised experience, or all of the above in the new area, service or technique. The psychologist shall inform any client whose treatment will involve a newly developing service or technique of its innovative nature and the known risks associated with it, and of the client's right to freedom of choice concerning services received.

2. In those emerging areas without generally recognized standards for preparatory training, psychologists shall take reasonable steps to ensure the competence of their work and to protect clients/patients, organizational clients, and others from harm.

3. When assuming forensic roles, psychologists shall become familiar with the judicial or administrative rules governing the psychologists' roles and seek relevant consultation and training.

4. In emergencies, psychologists may provide services to individuals for whom no other services are available, even if the psychologist may not have obtained the necessary training, provided such services are designed to assure that needed services are not denied. These services are terminated as soon as the emergency has ended and/or appropriate services are available.

(D) Accurate Representation. A psychologist shall accurately represent his/her areas of competence, education, training, experience, and professional affiliations to the committee, the public, and colleagues.

(E) Sufficient Professional Information. A psychologist rendering a formal professional opinion about a person, for example about the fitness of a parent in a custody hearing, shall not do so without direct and substantial professional contact with or a formal assessment of that person or a detailed explanation of why such contact did not occur.

(4) Maintenance and Retention of Records.

(A) The psychologist rendering professional individual services to a client (or a dependent), or services billed to a third party payer, shall maintain professional records that include:

1. Name of the client and other identifying information such as address, telephone number, age, and/or sex;
2. The presenting problem(s) or purpose or diagnosis;
3. Any assessment including test results or other evaluative results obtained and any basic test data from which they were derived;
4. The date and description of each contact or service provided or pertaining to the client;
5. The nature, type, and goals of any psychological interventions;
6. The fee arrangement and documentation of discussion with client prior to initiation of services;
7. A copy of all test or other evaluative reports prepared as part of the professional relationship;
8. Notation and results of formal consults with other providers;
9. Notation of referrals given or recommended to the client;
10. Any releases executed by the client;
11. Records shall contain data relating to financial transactions between the psychologist and client, including fees assessed and collected;
12. Written informed consent must be obtained concerning all aspects of services including assessment and therapy;
13. A provisionally licensed psychologist must include on the informed consent the fact that the provisional licensee is working under the supervision of a licensed psychologist. The informed consent form must identify the supervising psychologist; and
14. Entries in the records must be made within ten (10) days following each consultation or rendition of service. Entries that are made after the date of service must indicate the date entries are made, as well as the date of service.

(B) To meet the requirements of these rules, but not necessarily for other legal purposes, the psychologist shall assure that all data entries in the professional records are maintained for a period of not fewer than five (5) years after the last date of service rendered, or not less than the time required by other regulations, if that is longer.

1. The psychologist shall store and dispose of written, electronic and other records in such a manner as to ensure their confidentiality. The psychologist shall maintain the confidentiality of all psychological records in the psychologist's possession or under the psychologist's control except as otherwise provided by law or pursuant to authorization of a client specifically requesting

or authorizing release or disclosure of the client's psychological records.

2. For each person professionally supervised, the psychologist shall maintain, for a period of not less than five (5) years after the last date of supervision, a record of the supervisory session that shall include the type, place, and general content of the session, as well as other information required by these rules, other law or good practice.

(5) Continuity of Care.

(A) The psychologist shall make prior arrangements for another appropriate professional(s) to be available for consultation during periods of his/her extended absences from professional availability. The psychologist shall inform the client of available emergency services for use during those times when s/he cannot be reached. These periods include but are not limited to after-office hours, weekends, holidays, or vacations.

(B) The psychologist shall make provisions for the transfer or disposal of all written or electronic records of the client in the event of the psychologist's death or incapacitation.

(6) Multiple Relationships.

(A) Impaired Psychologist. The psychologist shall not undertake or continue a professional relationship with a client when the competency of the psychologist, is or could reasonably be expected to be impaired due to mental, emotional, physiologic, pharmacologic, or substance abuse conditions. If a condition develops after a professional relationship has been initiated, the psychologist shall terminate the relationship in an appropriate manner, shall notify the client in writing of the termination and shall assist the client in obtaining services from another professional.

(B) Multiple Relationship Affecting Psychologist's Judgment. The psychologist shall not undertake or continue a professional relationship with a client when the objectivity or competency of the psychologist is, or could reasonably be expected to be impaired because of the psychologist's present or previous familial, social, sexual, emotional, financial, supervisory, political, administrative, or legal relationship with the client or a relevant person associated with or related to the client. If a dual relationship develops or is discovered after the professional relationship has been initiated, the psychologist shall terminate the professional relationship in an appropriate manner, shall notify the client in writing of this termination, and shall assist the client in obtaining services from another professional.

(C) Prohibited Relationships.

1. The psychologist, in interacting with any current client or with a client to whom the psychologist has at any time within the previous twenty-four (24) months rendered counseling, psychotherapeutic or other professional psychological services

for the treatment or amelioration of emotional distress or behavioral inadequacy, shall not enter into a financial or other potentially exploitative relationship with him/her/them.

2. The psychologist, in interacting with any current client or with a person to whom the psychologist at any time within the previous sixty (60) months has rendered counseling, psychotherapeutic or other professional psychological services for the treatment or amelioration of emotional distress or behavioral inadequacy, shall not—

A. Engage in sexual intercourse, which includes any genital contact of the psychologist with the client or the client with the psychologist. This specifically prohibits sexual intercourse, sodomy—oral, anal copulation, or both; or any penetration of the anal opening by any one (1) part or object;

B. Engage in kissing with the mouth, lips, or tongue of the psychologist with the client or the client with the psychologist;

C. Touching or caressing by either the psychologist or client of the other person's breasts, genitals, or buttocks;

D. Engage in any deliberate or repeated comments, gestures or physical contact of a sexual nature that exploits the professional relationship with the client;

E. Terminate a therapeutic relationship with a client or student for the purpose, expressed or implied, of having a sexual relationship with that person;

F. Exhibitionism and voyeurism—exposing one's self or encouraging another to expose him/herself for the purpose of sexual gratification; or

G. Engage in any verbal or physical behavior toward him/her which is sexually seductive, demeaning, or harassing.

3. Prohibited exploitation in professional relationships. The psychologist shall not exploit, sexually or otherwise, his/her professional relationship with clients, supervisees, students, employees, research participants, or others.

(7) Client Welfare.

(A) Providing Explanation of Procedures.

1. The psychologist shall give a truthful, understandable and reasonably complete account of the client's condition to the client or the parent of minor children or legal guardian. The psychologist shall keep the client fully informed as to the purpose and nature of any evaluation, treatment, or other procedures, and of the client's right to freedom of choice regarding services provided.

2. When a psychologist agrees to provide services to a person or entity at the request of a third party, the psychologist shall explain and document the nature of the relationships with all individuals or organizations involved. This includes the role of

the psychologist, who is the client, the probable uses of the services provided or the information obtained, and any known or probable limits to confidentiality.

(B) Termination of Services. Whenever professional services are terminated, the psychologist shall provide alternative sources of professional services or assistance when indicated. The psychologist shall terminate a professional relationship when it is reasonably clear that the client is not benefitting from the relationship, and shall prepare the client appropriately for such termination.

(C) Unnecessary Service. The psychologist shall not exploit clients by providing unnecessary psychological service.

(D) Stereotyping. The psychologist shall not impose on the client any stereotypes of behavior, values, or roles related to age, gender, religion, race, disability, nationality, or sexual preference which would interfere with the objective provision of psychological services to the client. The psychologist obtains training, experience, or counsel to assure competent service or research relating to these persons.

(E) Sexual or Other Multiple Relations With a Client. The psychologist shall not enter into a sexual or other multiple relationship with a client, as specified in subsections (6)(B) and (C) of these ethical rules of conduct.

(F) Solicitation of Business by Clients. The psychologist providing services to an individual client shall not induce that client(s) to solicit business on behalf of the psychologist.

(G) Referrals on Request. The psychologist shall make an appropriate referral to another professional when requested to do so by the client.

(H) Offering Services to Clients of Others. In deciding whether to offer services to someone already receiving similar services elsewhere, the psychologist shall carefully consider the treatment issues and the potential client's welfare. The psychologist shall discuss these issues with the client to minimize the probable risks of confusion and conflict, and proceed with caution and sensitivity to the therapeutic issues.

(8) Welfare of Supervisees, Clients, Research Subjects, and Students.

(A) Welfare of Supervisees and Students. The psychologist shall not harass or exploit a supervisee or student in any way— sexually, financially, or otherwise. The psychologist as a teacher shall recognize that the primary obligation is to help others acquire knowledge and skill. The psychologist shall maintain high standards of scholarship by presenting psychological information objectively, fully, and accurately. The teaching duties of the psychologist shall be performed on the basis of careful preparation so that the instruction is accurate, current, and scholarly.

(B) Welfare of Clients and Research Subjects.

1. Clarifying expectations. The psychologist shall document

that the client has been informed as to the purpose and nature of an evaluation, research, treatment, or educational procedure as well as reasonable alternatives in language commensurate with the individual's level of comprehension.

2. Minors and those with diminished capacity. Whenever possible, the psychologist shall obtain informed consent from children and from individuals with diminished mental capacity regarding their participation in psychological services or research. If they object to participation, the psychologist shall consider the individual's basic rights in light of those factors such as age, psychological maturity, and the judgment of the individual's parents or legal guardians. The psychologist's decision shall be based upon the best interests of the individual.

3. Voluntary and mandatory procedures. The psychologist shall inform recipients as to the voluntary or mandatory nature of the assessment, treatment, research, educational, or training procedure. When a procedure is voluntary, the psychologist shall inform the clients, students, or research participants of their freedom of choice and any alternatives to participation.

4. Electronic recording and filming. The psychologist shall obtain permission from clients, students, and research participants prior to the use of observation or electronic taping, recording, or filming procedures.

5. Access to confidential information of others. When the possibility exists that others may obtain access to confidential information, the psychologist shall explain this possibility, together with plans for protecting confidentiality, to clients, students or research participants as part of the procedure for obtaining informed consent.

6. Inducements for research participants. In offering clinical or other professional services as an inducement for obtaining research participants, the psychologist shall make clear the nature of the services as well as the risks and obligations.

7. Research involving risk or discomfort. When conducting research, the psychologist shall clearly communicate to participants the experience they are likely to have, especially those that they might find negative, such as physical risk or discomfort, or negative emotional reactions.

8. Freedom to avoid or withdraw from research. Individuals are ordinarily free to decline to participate or to withdraw from research without adverse consequences. When research participation is mandated by a third party, the psychologist shall describe the probable consequences of consenting, declining to participate or subsequently withdrawing from the research.

9. Protecting the right of the individual to avoid or withdraw from research. When the psychologist conducts research with individuals whose real or ascribed power is different than that of the psychologist, special care shall be taken to protect their rights to decline participation or withdraw from research.

10. Waiving informed consent.

A. Before deciding to waive informed consent, the psychologist planning research that may not require informed consent, such as certain types of archival research or anonymous naturalistic observations, shall consult with federal and state guidelines or human subject review committees.

B. When informed consent by a legally authorized person is not permitted or required by law, psychologists shall take reasonable steps to protect the individual's rights and welfare.

11. Research obligations and responsibilities. Prior to conducting research, the psychologist shall establish a clear and fair agreement with participants that clarifies the obligations and responsibilities of each party.

12. Post-research consultation with participants. The psychologist shall inform participants of procedures for contacting him/her, within a reasonable time period following participation, should stress, harm, or related questions or concerns arise.

13. Provision of participants research results and conclusions. When conducting research, the psychologist shall provide participants, regardless of age or diminished mental capacity, with the opportunity to receive information about the general results and conclusions of that research.

14. The sharing and utilization of data. The psychologist shall clarify, in advance, the plans for sharing and utilizing research data with participants and any other persons.

15. Research planning. In planning a study, the psychologist shall carefully evaluate ethical acceptability. If the weighing of scientific and human values suggests the possibility of a violation of any principle, the psychologist shall seek ethical advice through peer consultation and institutional review boards, and observe stringent safeguards to protect the rights of human participants and the welfare of animal subjects.

16. Animal subjects' welfare. When working with animal subjects, the psychologist shall ensure that the animals will be treated humanely. The psychologist shall only inflict discomfort, illness or pain when the objectives of the research cannot be achieved by other methods. Any procedures that do inflict pain, stress or privation must be strongly justified by their prospective scientific, educational, or applied value.

17. Assessment of risk level and protection of

human participants. Assessing the degree of risk to research participants, according to recognized standards, is of primary ethical concern to the psychologist. Human participants shall be protected from physical and mental harm as well as any danger that may arise from research procedures.

18. Deception and debriefing. The psychologist shall not deceive human participants about the experience of participating in a study, especially those aspects that subjects might find negative, such as physical risk, discomfort or unpleasant emotional experiences. Any deceptive aspects of a study shall be explained at the conclusion or earlier. Before conducting such a study, psychologists have a special responsibility to determine whether—

A. The use of deceptive techniques is justified by the study's prospective scientific, educational, or applied value; and

B. Alternative procedures are available that do not use concealment or deception.

19. Minimizing invasiveness of data gathering. Interference with the milieu in which data are collected shall be kept to a minimum.

(9) Protecting Confidentiality of Clients.

(A) Informing Others of Legal Limits of Confidentiality. The psychologist shall inform clients at the outset of a professional relationship of those constraints on confidentiality that can be reasonably anticipated.

(B) Safeguarding Confidential Information. The psychologist shall safeguard the confidential information obtained in the course of practice, teaching, research or other professional duties. Psychologists who offer services, products, or information via electronic transmission shall inform clients/ patients of the risks to privacy and limits of confidentiality.

(C) Disclosure of confidential information. The psychologist shall disclose confidential information to others only with the informed written consent of the client with the exceptions as set forth here.

1. Disclosure without informed written consent. The psychologist may disclose confidential information without the informed written consent of the client when the psychologist judges that disclosure is necessary to protect against a clear and substantial risk of imminent serious harm being inflicted by the client on the client or on another person. In that case, the psychologist shall disclose the confidential information only to appropriate professional workers, public authorities, the potential victim, the family, or both, of the client. When the client is an organization, disclosure shall be made only after the psychologist has made a reasonable and unsuccessful attempt to have the problems corrected within the organization.

2. Use of interpreters. Psychologists using the

services of an interpreter shall obtain informed consent from the client/ patient to use that interpreter, shall ensure that confidentiality of test results and test security are maintained, and include in recommendation reports and diagnostic or evaluative statements, including forensic testimony, discussion, or any limitations on the data obtained.

3. Legally dependent clients. At the beginning of a professional relationship, to the extent that the client can understand, the psychologist shall inform a client who is below the age of majority or who has a legal guardian of the limit the law imposes on the right of confidentiality with respect to his/her communications with the psychologist.

4. Multiple clients. When service is rendered to more than one (1) client during a joint session, for example to a family or a couple or a parent and child or a group, the psychologist shall, at the beginning of the professional relationship, clarify to all parties the manner in which confidentiality will be handled. All parties shall be given opportunity to discuss and to accept whatever limitations of confidentiality will be adhered in the situation.

5. Release of confidential information. The psychologist may release confidential information upon court order, as defined in section (2) of this rule, or to conform with state or federal law or regulation.

6. Abuse reports of abuse of children and vulnerable adults. The psychologist shall be familiar with any relevant law concerning the reporting of abuse of children and vulnerable adults, and shall comply with the law.

7. Discussion of client information among professionals. When rendering psychological services as part of a team or when interacting with other appropriate professionals concerning the welfare of the client, the psychologist may share confidential information about the client provided the psychologist takes reasonable steps to assure that all persons receiving the information are informed about the confidential nature of the information and abide by the rules of confidentiality.

8. Disclosure of client information to the committee. When requested by the committee, the psychologist shall release all patient records responsive to the request to the State Committee of Psychologists. The committee will maintain such records as closed and confidential records pursuant to sections 324.001.8 and 324.017, RSMo.

(D) Limited Access to Client Records. The psychologist shall limit access to client records and shall assure that all persons working under his/her authority comply with the requirements for confidentiality of client material.

(E) Disguising Confidential Information. For any confidential information used in teaching, research,

or writing, the psychologist shall insure that the reported material is appropriately disguised to prevent client identification.

(F) Observation and Electronic Recording. The psychologist shall ensure that diagnostic interviews or therapeutic sessions with a client are observed or electronically recorded only with the informed written consent of the client.

(G) Confidentiality After Termination of Professional Relationship. The psychologist shall continue to treat client records as confidential information after the professional relationship between the psychologist and the client has ceased.

(10) Integrity and Representation of Title and Services.

(A) Display of license. The psychologist shall display the current Missouri license to practice psychology at the primary work environment or show the license upon request.

(B) Use of Appropriate Title. When representing him/ herself to the public through advertisements, including telephone listings, business cards, letterhead, and other public announcements, the psychologist shall use a title which accurately reflects professional education, training, and experience. This title shall be clearly presented as to denote the actual status and training of the person. Initials of titles are not appropriate for use. For example, the title of Psychological Resident shall not be listed as P.R., the title of Clinical Psychologist shall not be listed as C.P., or the title of Provisional Licensed Psychologist shall not be listed as P.L.P. The use of initials for the highest earned relevant academic degree is acceptable.

(C) Accurate Representation of Services. When announcing or advertising professional services, the psychologist may list the following information to describe the provider and services provided: name, highest relevant academic degree earned from a regionally accredited institution, date, type and level of certification or licensure, diplomate status, American Psychological Association (APA) membership status, address, telephone number, office hours, a brief listing of the types of psychological services offered, an appropriate presentation of fee information, foreign languages spoken, and a policy with regard to third-party payments. Psychologists licensed on the basis of a master's degree shall not advertise their services using a higher degree earned in a field other than psychology.

(D) Accurate Representation of Qualifications. The psychologist shall not misrepresent directly or by implication his/her professional qualifications, such as, education, experience or areas of competence.

(E) Accurate Representation of Affiliations. The psychologist shall not misrepresent directly or by implication his/her affiliations, or the purposes or characteristics of institutions and organizations with which the psychologist is associated.

(F) False or Misleading Information. The psychologist shall not include false or misleading information in public statements concerning psychological services offered. Public statements include but are not limited to communication by means of periodical, book, list, directory, television, radio, or motion picture. They shall not contain—

1. A false, fraudulent, misleading, deceptive, or unfair statement;
 2. A misrepresentation of fact or a statement likely to mislead or deceive because in context it makes only a partial disclosure of relevant facts;
 3. A testimonial from a client regarding the quality of a psychologist's services or products;
 4. A statement intended or likely to create false or unjustified expectations of favorable results;
 5. A statement implying unusual, unique, or one-of-a-kind abilities;
 6. A statement intended or likely to appeal to a client's fears, anxieties or emotions concerning the possible results of failure to obtain the offered services;
 7. A statement concerning the comparative desirability of offered services; or
 8. A statement of direct solicitation of individual clients.
- (G) Accurate Representation of Services or Products. The psychologist shall not associate with or permit his/her name to be used in connection with any services or products in such a way as to misrepresent—

1. The services or products;
2. The degree of his/her responsibility for the services or products; or
3. The nature of his/her association with the services or products.

(H) Correction of Misrepresentation by Others. The psychologist shall correct others who misrepresent his/her professional qualifications or affiliations.

(I) Accurate Claims. The psychologist shall take credit only for work actually done, including publication credit.

(J) Publication Credit. Publication credit shall accurately reflect the relative contribution of the individuals involved, regardless of professional status. A student generally is listed as the principal author of any multiple-authored article based primarily on the student's thesis or dissertation. Minor contributions to publications shall be acknowledged in footnotes or in an introductory statement.

(K) Acknowledging All Sources. Plagiarism in either written or oral form is unethical. Acknowledgment through specific citations shall be made for unpublished as well as published material that has directly influenced the research or writing.

(L) Fabrication of Data. A psychologist shall not fabricate data. If a psychologist discovers significant errors in their published data, they shall take reasonable steps to correct these errors in a

correction, retraction, erratum, or other appropriate publication means.

(11) Remuneration.

(A) Financial Arrangements.

1. All financial arrangements shall be made clear to each client in advance of billing.
2. The psychologist shall not mislead or withhold from any client, prospective client, or third-party payor information about the cost of his/her professional services.
3. The psychologist shall not exploit a client or responsible payor by charging a fee that is excessive for the services performed or by entering into a bartering arrangement in lieu of a fee.
4. The primary obligation of the psychologist employed by an institution, agency, or school is to persons entitled to his/her services through the institution, agency, or school. A psychologist shall not accept a private fee or any other form of remuneration from those persons unless the policies of a particular institution, agency, or school make explicit provision for private work with its clients by members of its staff. In those instances, the client or guardian shall be fully apprised of available services and all policies affecting him/her, prior to entering into a private professional relationship with the psychologist.

(B) Improper Arrangements.

1. The psychologist shall neither derive nor solicit any form of monetary profit or personal gain as a result of his/her professional relationship with clients or immediate exclients, beyond the payment of fees for psychological services rendered. However, unsolicited token gifts from a client are permissible.
2. The psychologist shall not use his/her professional relationship with clients or immediate exclients to derive personal gain, other than through fees for professional services, for him/herself, or for any other person, or for any organization from the sale or promotion of a nonpsychology-related product or service.
3. The psychologist shall neither give nor receive any commission, rebate, or other form of remuneration for referral of a client for professional services.
4. The psychologist shall not bill for services that are not rendered. However, s/he may bill for missed appointments which the client did not cancel in advance, if this is part of the financial arrangements made in accordance with paragraph (11)(A)1. of this rule.

(12) Assessment Procedures.

(A) Competent use of assessment techniques. The psychologist shall use, administer, and interpret psychological assessment techniques competently and maintain current knowledge about research developments and revisions concerning the

techniques that are used. The psychologist shall incorporate and use the most recent version of an examination within one (1) year of its publication. The psychologist may, based upon their professional judgment, utilize a previous version of an examination if it will provide a more thorough and diagnostically appropriate result.

(B) Confidential Information. The psychologist shall treat an assessment result or interpretation regarding an individual as confidential information.

(C) Communication of Results. The psychologist shall accompany communication of results of assessment procedures to the client, parents, legal guardians, or other agents of the client by adequate interpretive aids or explanations.

(D) Reservations Concerning Results. The psychologist shall include in his/her report of the results of an assessment procedure any deficiencies of the assessment norms for the individual assessed and any relevant reservations or qualifications which affect the validity, reliability, or other interpretation of results.

(E) Protection of Integrity of Assessment Procedures. The psychologist shall not reproduce or describe in popular publications, lectures, or public presentations, psychological tests or other assessment devices in ways that might invalidate them.

(F) Information for Professional Users. The psychologist offering an assessment procedure or automated interpretation service to other professionals shall accompany this offering by a manual or other printed material which fully describes the development of the assessment procedure or service, the rationale, evidence of validity and reliability, and characteristics of the normative population. The psychologist shall explicitly state the purpose and application for which the procedure is recommended and identify special qualifications required to administer and interpret it properly. The psychologist shall ensure that the advertisements for the assessment procedure or interpretive services are factual and descriptive.

(13) Violations of Law.

(A) Violations of Applicable Statutes. The psychologist shall not violate any applicable statute or administrative rule regarding the practice of psychology.

(B) Use of Fraud, Misrepresentation, or Deception. The psychologist shall not use fraud, misrepresentation, or deception in—

1. Obtaining a psychology license;
2. Passing a psychology licensing examination;
3. Assisting another to obtain a psychology license or to pass a psychology licensing examination;
4. Billing clients or third-party payors;
5. Providing psychological service;
6. Reporting the results of psychological

evaluations or services; or

7. Conducting any other activity related to the practice of psychology.

(14) Aiding Unauthorized Practice.

(A) Aiding Unauthorized Practice. The psychologist shall not aid or abet another person in misrepresenting his/her professional credentials or in illegally engaging in the practice of psychology.

(B) Employing Other Licensed Professionals. A psychologist may employ or utilize the services of other licensed professionals in his/her practice so long as this professional is acting within the terms and scope of his/her respective license.

(C) Delegating Professional Responsibility. The psychologist shall not delegate professional responsibilities to a person not qualified, not appropriately credentialed to provide those services, or both.

(D) Providing supervision. The psychologist shall exercise appropriate supervision over supervisees, as set forth in the regulations of the committee.

1. In academic and supervisory relationships, psychologists establish timely and specific processes for providing feedback to students and supervisees. Information regarding the process is provided to the student and supervisees at the beginning of supervision.

2. Psychologists evaluate students and supervisees on the basis of their actual performance on relevant and established program requirements.

3. Psychologists licensed in Missouri may supervise individuals pursuing Missouri licensure in all behavioral health disciplines in Chapter 337, RSMo, as well as students, trainees, and other individuals seeking professional guidance but not actively pursuing licensure. Supervision provided pursuant to this subdivision shall comply with the requirements for the respective profession as well as the statutory and regulatory requirements of licensed psychologists. Psychologists shall clearly identify all such supervisees and fully document all supervision activities.

(15) Resolving Issues.

(A) Reporting of Violations to Committee. The psychologist who has knowledge or believes in good faith that there has been a violation of the statutes or rules of the committee shall inform the committee in writing. When the information regarding that violation is obtained in a professional relationship with a client, the psychologist shall report it only with the written permission of the client. Nothing in this rule shall relieve a psychologist of the duty to file any report required by applicable statutes. Failure to report a violation of the statutes and/or rules, is in itself, an ethics violation.

(B) Providing Information to Client. When a psychologist learns from a client of a possible violation of the statutes or rules of the committee,

or when a psychologist receives a request from a client for information on how to file a complaint with the committee, the psychologist has an obligation to inform the client of the standards of practice of psychology and how to file a complaint with the committee.

(C) Cooperating with the Committee. The psychologist shall cooperate with the State Committee of Psychologists by responding personally or through his/her attorney to inquiries.

(D) Circumventing Disciplinary Rules. Psychologists shall not circumvent a disciplinary rule of professional conduct through actions of another.

AUTHORITY: sections 337.030 and 337.050.9., RSMo Supp. 2022. This rule originally filed as 4 CSR 235-5.030. Original rule filed July 2, 1991, effective Feb. 6, 1992. Amended: Filed Nov. 13, 1992, effective July 8, 1993. Moved to 20 CSR 2235-5.030, effective Aug. 28, 2006. Rescinded and readopted: Filed July 17, 2006, effective Feb. 28, 2007. Amended: Filed Dec. 12, 2022, effective June 30, 2023.*

**Original authority: 337.030, RSMo 1977, amended 1981, 1989, 1996, 2003, 2018 and 337.050, RSMo 1977, amended 1981, 1989, 1993, 1995, 1996, 1998, 1999, 2020.*

Chapter 6

Temporary Licensure

**Title 20—DEPARTMENT OF COMMERCE AND
INSURANCE
Division 2235—State Committee of Psychologists
Chapter 6—Temporary Licensure**

20 CSR 2235-6.010 Temporary Licensure

This rule originally filed as 4 CSR 235-6.010. Emergency rule filed April 12, 1979, effective April 23, 1979, expired July 22, 1979. Moved to 20 CSR 2235-6.010, effective Aug. 28, 2006.

Op. Atty. Gen. No. 118, Butler, 6-8-79. *The Department of Consumer Affairs, Regulation and licensing is not authorized to promulgate a rule allowing the department, upon the advice of the State Committee of Psychologists, to grant an applicant for licensure a temporary license to practice psychology in Missouri. Such a rule would impermissibly enlarge upon the terms of the statute*

Chapter 7

Continuing Education

**Title 20—DEPARTMENT OF COMMERCE AND
INSURANCE**
Division 2235—State Committee of Psychologists
Chapter 7—Continuing Education

20 CSR 2235-7.005 Definitions

PURPOSE: This rule defines terms used in 20 CSR 2235 Chapter 7.

(1) “Accredited program, seminar, or activity”—Is a program, seminar, or activity presented under the auspices of—

(A) Regionally accredited institution of higher education;

(B) American psychology association;

(C) Regional psychological association;

(D) State psychological association;

(E) Local psychological association;

(F) American Medical Association; and

(G) Other professional bodies or groups.

(2) “Committee”—The Missouri State Committee of Psychologists.

(3) “Credit hour”—At least fifty (50) minutes of instruction or the equivalent.

(4) “Psychologist”—A psychologist licensed to practice in the state of Missouri pursuant to section 337.010, RSMo et seq.

(5) “Accredited sponsor”—A sponsor all of whose programs, seminars, or activities are accredited.

(6) “Continuing education credit”—One (1) credit hour.

(7) “Recognized educational institution”—A school, college, university, or other institution of higher learning in the United States which has a graduate program in psychology and is accredited by one of the regional accrediting associations approved by the council on postsecondary accreditation, or one of the regional accrediting associations recognized by the Department of Education.

(8) “Reporting cycle”—Two (2) years from December 1, 1999 through November 30, 2001, and every two (2)-year period thereafter.

AUTHORITY: section 337.050.12, RSMo 2000. This rule originally filed as 4 CSR 235-7.005. Original rule filed Dec. 31, 1998, effective Aug. 30, 1999. Moved to 20 CSR 2235-7.005, effective Aug. 28, 2006. Amended: Filed July 9, 2008, effective Jan. 30, 2009.*

**Original authority: 337.050, RSMo 1977, amended*

1981, 1989, 1993, 1995, 1996, 1998, 1999.

20 CSR 2235-7.010 Continuing Education

PURPOSE: This rule implements the continuing education mandates.

(1) Every psychologist licensed in Missouri shall, complete for each two- (2-) year reporting cycle at least forty (40) hours, of accredited “continuing education credits” (herein CE credits) relevant to the practice of psychology. The continuing education reporting cycle is the twenty-four- (24-) month period beginning on December 1 of odd numbered years and ending on November 30 of odd numbered years. Continuing education credits earned after November 30 for the immediately preceding reporting cycle shall not be applied to the next two- (2-) year reporting cycle.

(2) At least fifteen (15) of the forty (40) CE credits must be completed within Category A (i.e., formal programs which meet the requirements of 20 CSR 2235-7.030(1) (A)); and the remaining twenty-five (25) CE credits must be completed in either Category A or in Category B (i.e., informal programs or hours which meet the requirements of 20 CSR 2235-7.030(1)(B)).

(A) Three (3) of the forty (40) CE credits are to be in ethics (ethics credits). The three (3) ethics credits can be in either Category A or in Category B.

(3) A psychologist who becomes licensed during the middle of a reporting cycle shall be entitled to receive a “pro-rata” reduction in the number of required credits at the rate of five (5) hours for every three (3) full months between the date of licensing and what would be the normal date of commencement for the reporting cycle.

(4) If in any two- (2-) year cycle, the number of continuing education credits earned from Category A in 20 CSR 2235-7.030 exceeds forty (40) credits, the excess credits over forty (40) may be carried over to the next two- (2-) year cycle, up to a maximum of fifteen (15) hours.

AUTHORITY: section 337.050.12, RSMo Supp. 2020. This rule originally filed as 4 CSR 235-7.010. Original rule filed Dec. 31, 1998, effective Aug. 30, 1999. Moved to 20 CSR 2235-7.010, effective Aug. 28, 2006. Amended: Filed July 9, 2008, effective Jan. 30, 2009. Amended: Filed March 2, 2021, effective Sept. 30, 2021.*

**Original authority: 337.050, RSMo 1977, amended 1981, 1989, 1993, 1995, 1996, 1998, 1999, 2020.*

20 CSR 2235-7.020 Continuing Education Reports

PURPOSE: This rule establishes the criteria for maintaining record of continuing education claimed.

(1) Every psychologist shall maintain for a period of four (4) years from the completion of each reporting cycle full and complete records of all accredited continuing education (CE) programs attended or accredited continuing education credit hours earned during the immediately preceding two (2)-year reporting cycle.

(2) Such records shall be made available, upon reasonable request during regular business hours, to the committee or to such authorized representative as the committee may hereafter appoint from time-to-time for inspection, photocopying, or audit.

(3) For all Category A programs, such records shall, at a minimum, contain a listing of all programs attended by course name and for all accredited programs information showing either that the program sponsor is an accredited CE sponsor or that such individual program had been properly accredited, the number of CE hours awarded or earned for each such program or activity, and a copy of the program agenda, outline, or other course description.

(4) For the license renewal period commencing February 1, 2001 and every renewal period each two (2) years thereafter every psychologist shall attest on the license renewal application form, compliance with 20 CSR 2235-7.010. The committee may audit as deemed necessary.

AUTHORITY: section 337.030, RSMo Supp. 2007 and section 337.050.12, RSMo 2000. This rule originally filed as 4 CSR 235-7.020. Original rule filed Dec. 31, 1998, effective Aug. 30, 1999. Moved to 20 CSR 2235-7.020, effective Aug. 28, 2006. Amended: Filed July 17, 2006, effective Feb. 28, 2007. Amended: Filed July 9, 2008, effective Jan. 30, 2009.*

**Original authority: 337.030, RSMo 1977, amended 1981, 1989, 1996, 2003 and 337.050, RSMo 1977, amended 1981, 1989, 1993, 1995, 1996, 1998, 1999.*

20 CSR 2235-7.030 Categories of Continuing Education Programs and Credits

PURPOSE: This rule implements the continuing education mandates.

(1) The committee recognizes the following categories of continuing education programs, seminars or activities and established credit hours.

(A) Category A formal activities, a minimum of fifteen (15) credits per reporting cycle. Category A

activities are defined as—

1. Formal continuing education programs that may consist of programs, seminars, or activities accredited by any accredited or identified sponsor listed in 20 CSR 2235-7.005(1). The number of continuing education credits assigned by an association as defined in these rules will be accepted.

2. Regularly scheduled postgraduate courses offered by a “recognized educational institution” as defined in 20 CSR 2235-7.005(7), which are relevant to the practice of psychology. One (1) credit hour or the equivalent of academic credit constitutes fifteen (15) continuing education credits.

3. Writing or speaking, including a paper or other presentation at a formal professional meeting, a paper published in a professional journal, or a book or an original chapter in an edited book in the area of psychology or a related field. Credit will be granted for the year of publication or presentation in the case of a paper. Continuing education credits will be granted at the rate of two (2) per presentation, eight (8) for each published journal article or chapter in a published book, ten (10) for editing a published book, and fifteen (15) for the authorship of a published book.

4. Preparation and teaching a graduate level course at a recognized educational institution where the contents of which are primarily psychological. Continuing education credits will be granted at the rate of five (5) hours per class with a maximum of ten (10) per reporting cycle. No single course shall be reported more than one (1) time per reporting cycle.

(B) Category B other programs, seminars, or activities, a maximum of twenty-five (25) credits per reporting cycle of Category B activities may count towards the two (2)-year, forty (40) continuing education credit hour requirement in 20 CSR 2235-7.010. Category B programs, seminars, or activities are defined as—

1. The categories of continuing education experiences and the number of hours of continuing education for each category are as follows:

A. Meetings. Registered attendance at relevant professional meetings (international, national, regional, state, local). Three (3) hours per day;

B. Workshops, seminars and courses. Registered attendance at relevant nonaccredited workshops, seminars, colloquium, grand rounds or academic courses. Number of actual attendance hours;

C. Preparation and teaching of an undergraduate level course at a recognized educational institution where the contents of which are primarily psychological, three (3) hours per class, nine (9) maximum per reporting cycle. No single course shall be reported more than one (1) time per reporting cycle; and

D. Individual study. Self-study of professional material including relevant books,

journals, periodicals, other forms of media, and other materials and preparation of relevant lectures and talks to public groups. Preparation credit may not be claimed under this category for presentations credited under paragraph 1. of this subsection. The committee will accept a maximum of ten (10) hours continuing education credits in individual study.

(2) Experience Not Acceptable for Continuing Education. The committee will not consider personal psychotherapy, workshops for personal growth, services to professional associations, providing supervision or case conference as meeting the requirements for continuing education.

AUTHORITY: section 337.030, RSMo Supp. 2007 and section 337.050.12, RSMo 2000. This rule originally filed as 4 CSR 235-7.030. Original rule filed Dec. 31, 1998, effective Aug. 30, 1999. Moved to 20 CSR 2235-7.030, effective Aug. 28, 2006. Amended: Filed July 17, 2006, effective Feb. 28, 2007. Amended: Filed July 9, 2008, effective Jan. 30, 2009.*

**Original authority: 337.030, RSMo 1977, amended 1981, 1989, 1996, 2003 and 337.050, RSMo 1977, amended 1981, 1989, 1993, 1995, 1996, 1998, 1999.*

20 CSR 2235-7.040 Verification of Continuing Education Credits and Programs

PURPOSE: This rule implements the continuing education mandates.

(1) At the end of each two (2)-year reporting cycle, each licensee shall attest on the license renewal application provided by the committee the continuing education requirements by the first of February immediately following the completion of the recording cycle.

(2) The licensee need not submit the specific verification of each continuing education experience claimed, but the individual licensee shall maintain records of continuing education credits as would substantiate meeting these regulations for five (5) years following the submission of the reporting form.

(3) The committee may require the licensee to submit documents for proof of compliance. Upon receipt of the notification requesting said documents the licensee shall forward documents to the committee's office within thirty (30) days.

(4) Failure to provide the committee with proof of compliance with the continuing education credit requirement when requested will be considered a violation of the practice act and shall be cause for discipline pursuant to section 337.035, RSMo.

*AUTHORITY: section 337.050.12, RSMo Supp. 1998.**

This rule originally filed as 4 CSR 235-7.040. Original rule filed Dec. 31, 1998, effective Aug. 30, 1999. Moved to 20 CSR 2235-7.040, effective Aug. 28, 2006.

**Original authority: 337.050, RSMo 1977, amended 1981, 1989, 1993, 1995, 1996, 1998.*

20 CSR 2235-7.050 Variances

PURPOSE: This rule implements the continuing education mandates.

Variances will be granted on a case-by-case basis upon written petition to the committee. The committee will review requests at the next regularly scheduled quarterly meeting following receipt of the request for a variance.

AUTHORITY: section 337.050.12, RSMo Supp. 1998. This rule originally filed as 4 CSR 235-7.050. Original rule filed Dec. 31, 1998, effective Aug. 30, 1999. Moved to 20 CSR 2235-7.050, effective Aug. 28, 2006.*

**Original authority: 337.050, RSMo 1977, amended 1981, 1989, 1993, 1995, 1996, 1998.*

OTHER STATUTES OF RELEVANCE

Chapter 191

Health and Welfare

191.227. Medical records to be released to patient, when, exception — fee permitted, amount — liability of provider limited — annual handling fee adjustment — disclosure of deceased patient records, when

1. All physicians, chiropractors, hospitals, dentists, and other duly licensed practitioners in this state, herein called “providers”, shall, upon written request of a patient, or guardian or legally authorized representative of a patient, furnish a copy of his or her record of that patient’s health history and treatment rendered to the person submitting a written request, except that such right shall be limited to access consistent with the patient’s condition and sound therapeutic treatment as determined by the provider. Beginning August 28, 1994, such record shall be furnished within a reasonable time of the receipt of the request therefor and upon payment of a fee as provided in this section.

2. Health care providers may condition the furnishing of the patient’s health care records to the patient, the patient’s authorized representative or any other person or entity authorized by law to obtain or reproduce such records upon payment of a fee for:

(1) (a) Search and retrieval, in an amount not more than twenty-four dollars and eighty-five cents plus copying in the amount of fifty-seven cents per page for the cost of supplies and labor plus, if the health care provider has contracted for off-site records storage and management, any additional labor costs of outside storage retrieval, not to exceed twenty-three dollars and twenty-six cents, as adjusted annually pursuant to subsection 5 of this section; or

(b) The records shall be furnished electronically upon payment of the search, retrieval, and copying fees set under this section at the time of the request or one hundred eight dollars and eighty-eight cents total, whichever is less, if such person:

- a. Requests health records to be delivered electronically in a format of the health care provider’s choice;
- b. The health care provider stores such records completely in an electronic health record; and
- c. The health care provider is capable of providing the requested records and affidavit, if requested, in an electronic format;

(2) Postage, to include packaging and delivery cost; and

(3) Notary fee, not to exceed two dollars, if requested.

3. Notwithstanding provisions of this section to the contrary, providers may charge for the reasonable cost of all duplications of health care record material or information which cannot routinely be copied or duplicated on a standard commercial photocopy machine.

4. The transfer of the patient’s record done in good faith shall not render the provider liable to the patient or any other person for any consequences which resulted or may result from disclosure of the patient’s record as required by this section.

5. Effective February first of each year, the fees listed in subsection 2 of this section shall be increased or decreased annually based on the annual percentage change in the unadjusted, U.S. city average, annual average inflation rate of the medical care component of the Consumer Price Index for All Urban Consumers (CPI-U). The current reference base of the index, as published by the Bureau of Labor Statistics of the United States Department of Labor, shall be used as the reference base. For purposes of this subsection, the annual average inflation rate shall be based on a twelve-month calendar year beginning in January and ending in December of each preceding calendar year. The department of health and senior services shall report the annual adjustment and the adjusted fees authorized in this section on the department’s internet website by February first of each year.

6. A health care provider may disclose a deceased patient’s health care records or payment records to the executor or administrator of the deceased person’s estate, or pursuant to a valid, unrevoked power of attorney for health care that specifically directs that the deceased person’s health care records be released to the agent after death. If an executor, administrator, or agent has not been appointed, the deceased prior to death did not specifically object to disclosure of his or her records in writing, and such disclosure is not inconsistent with any prior expressed preference of the deceased that is known to the health care provider, a deceased patient’s health care records may be released upon written request of a person who is deemed as the personal representative of the deceased person under this subsection. Priority shall be given to the deceased patient’s spouse and the records shall be released on the affidavit of the surviving spouse that he or she is the surviving spouse. If there is no surviving spouse, the health care records may be released to one of the following persons:

(1) The acting trustee of a trust created by the deceased patient either alone or with the deceased patient’s spouse;

(2) An adult child of the deceased patient on the affidavit of the adult child that he or she is the adult child of the deceased;

- (3) A parent of the deceased patient on the affidavit of the parent that he or she is the parent of the deceased;
 - (4) An adult brother or sister of the deceased patient on the affidavit of the adult brother or sister that he or she is the adult brother or sister of the deceased;
 - (5) A guardian or conservator of the deceased patient at the time of the patient's death on the affidavit of the guardian or conservator that he or she is the guardian or conservator of the deceased; or
 - (6) A guardian ad litem of the deceased's minor child based on the affidavit of the guardian that he or she is the guardian ad litem of the minor child of the deceased.
- (L. 1988 H.B. 925 § 1, A.L. 1994 H.B. 1427, A.L. 2002 S.B. 923, et al., A.L. 2005 H.B. 232, A.L. 2011 S.B. 62, A.L. 2013 H.B. 351, A.L. 2017 S.B. 501)

CROSS REFERENCES:

Child's medical records to be released to parents, attorney's costs assessed, when, 452.375
Nonseverability clause, 190.840

191.650. Definitions.

As used in sections 191.650 to 191.698*, the following terms mean:

- (1) "Disclose", to disclose, to release, transfer, disseminate or otherwise communicate all or any part of any record orally, in writing, or by electronic means to any person or entity;
- (2) "HBV", the hepatitis B virus;
- (3) "Health care facilities", those licensed under chapters 197, RSMo, and 198, RSMo;
- (4) "Health care professional", a member of the professional groups regulated by chapters 330, RSMo, 332, RSMo, and 335, RSMo, and sections 334.010 to 334.210**, RSMo;
- (5) "HIV", the human immunodeficiency virus that causes acquired immunodeficiency syndrome;
- (6) "HIV infection", the pathological state of the human body in response to HIV;
- (7) "HIV sampling", taking or ordering the taking of any biological specimen from an individual for the purpose of subjecting such specimen to analysis to determine the presence of HIV or infection;
- (8) "HIV testing", performing a serological test or other tests upon a biological specimen to determine the presence of HIV or its antibodies in the specimen following HIV sampling;
- (9) "Invasive procedures", those surgical or obstetric procedures that involve surgical entry into tissues, cavities, or organs and dental procedures involving manipulation, cutting, or removal of oral or perioral tissues, including tooth structure. Routine health care procedures such as physical examinations, blood pressure checks, eye examination, or oral, rectal or vaginal examinations are not considered as invasive procedures;
- (10) "Person", private individuals and private and public bodies politic and corporate, partnerships, trusts, and unincorporated associations and their officers, directors, agents, or employees.

(L. 1988 H.B. 1151 & 1044 § 1, A.L. 1992 S.B. 511 & 556, A.L. 1996 S.B. 858)

*Section 191.698 was repealed by S.B. 19 § A, 1989.

**Section 334.210 was repealed by S.B. 50 § A, 1959.

191.656. Confidentiality of reports and records, exceptions--violation, civil action for injunction, damages, costs and attorney fees--health care provider participating in judicial proceeding, immune from civil liability.

1. (1) All information known to, and records containing any information held or maintained by, any person, or by any agency, department, or political subdivision of the state concerning an individual's HIV infection status or the results of any individual's HIV testing shall be strictly confidential and shall not be disclosed except to:

- (a) Public employees within the agency, department, or political subdivision who need to know to perform their public duties;
- (b) Public employees of other agencies, departments, or political subdivisions who need to know to perform their public duties;
- (c) Peace officers, as defined in section 590.100, RSMo, the attorney general or any assistant attorneys general acting on his or her behalf, as defined in chapter 27, RSMo, and prosecuting attorneys or circuit attorneys as defined in chapter 56, RSMo, and pursuant to section 191.657;
- (d) Prosecuting attorneys or circuit attorneys as defined in chapter 56, RSMo, to prosecute cases pursuant to section 191.677 or 567.020, RSMo. Prosecuting attorneys or circuit attorneys may obtain from the department of health and senior services the contact information and test results of individuals with whom the HIV-infected individual has had sexual intercourse or deviate sexual intercourse. Any prosecuting attorney or circuit attorney who receives information from the department of health and senior services pursuant to the provisions of this section shall use such information only for investigative and prosecutorial purposes and such information shall be considered strictly confidential and shall only be released as authorized by this section;
- (e) *Persons other than public employees who are entrusted* with the regular care of those under the care and custody of a state agency, including but not limited to operators of day care facilities, group homes, residential

care facilities and adoptive or foster parents;

(f) As authorized by subsection 2 of this section;

(g) Victims of any sexual offense defined in chapter 566, RSMo, which includes sexual intercourse or deviate sexual intercourse, as an element of the crime or to a victim of a section 566.135, RSMo, offense, in which the court, for good cause shown, orders the defendant to be tested for HIV, hepatitis B, hepatitis C, syphilis, gonorrhea, or chlamydia, once the charge is filed. Prosecuting attorneys or circuit attorneys, or the department of health and senior services may release information to such victims;

(h) Any individual who has tested positive or false positive to HIV, hepatitis B, hepatitis C, syphilis, gonorrhea, or chlamydia, may request copies of any and all test results relating to said infections.

(2) Further disclosure by public employees shall be governed by subsections 2 and 3 of this section;

(3) Disclosure by a public employee or any other person in violation of this section may be subject to civil actions brought under subsection 6 of this section, unless otherwise required by chapter 330, 332, 334, or 335, RSMo, pursuant to discipline taken by a state licensing board.

2. (1) Unless the person acted in bad faith or with conscious disregard, no person shall be liable for violating any duty or right of confidentiality established by law for disclosing the results of an individual's HIV testing:

(a) To the department of health and senior services;

(b) To health care personnel working directly with the infected individual who have a reasonable need to know the results for the purpose of providing direct patient health care;

(c) Pursuant to the written authorization of the subject of the test result or results;

(d) To the spouse of the subject of the test result or results;

(e) To the subject of the test result or results;

(f) To the parent or legal guardian or custodian of the subject of the testing, if he is an unemancipated minor;

(g) To the victim of any sexual offense defined in chapter 566, RSMo, which includes sexual intercourse or deviate sexual intercourse, as an element of the crime or to a victim of a section 566.135, RSMo, offense, in which the court, for good cause shown, orders the defendant to be tested for HIV, B, hepatitis C, syphilis, gonorrhea, or chlamydia, once the charge is filed;

(h) To employees of a state licensing board in the execution of their duties under chapter 330, 332, 334, or 335, RSMo, pursuant to discipline taken by a state licensing board;

The department of health and senior services and its employees shall not be held liable for disclosing an HIV-infected person's HIV status to individuals with whom that person had sexual intercourse or deviate sexual intercourse;

(2) Paragraphs (b) and (d) of subdivision (1) of this subsection shall not be construed in any court to impose any duty on a person to disclose the results of an individual's HIV testing to a spouse or health care professional or other potentially exposed person, parent or guardian;

(3) No person to whom the results of an individual's HIV testing has been disclosed pursuant to paragraphs (b) and (c) of subdivision (1) of this subsection shall further disclose such results; except that prosecuting attorneys or circuit attorneys may disclose such information to defense attorneys defending actions pursuant to section 191.677 or 567.020, RSMo, under the rules of discovery, or jurors or court personnel hearing cases pursuant to section 191.677 or 567.020, RSMo. Such information shall not be used or disclosed for any other purpose;

(4) When the results of HIV testing, disclosed pursuant to paragraph (b) of subdivision (1) of this subsection, are included in the medical record of the patient who is subject to the test, the inclusion is not a disclosure for purposes of such paragraph so long as such medical record is afforded the same confidentiality protection afforded other medical records.

3. All communications between the subject of HIV testing and a physician, hospital, or other person authorized by the department of health and senior services who performs or conducts HIV sampling shall be privileged communications.

4. The identity of any individual participating in a research project approved by an institutional review board shall not be reported to the department of health and senior services by the physician conducting the research project.

5. The subject of HIV testing who is found to have HIV infection and is aware of his or her HIV status shall disclose such information to any health care professional from whom such person receives health care services. Said notification shall be made prior to receiving services from such health care professional if the HIV-infected person is medically capable of conveying that information or as soon as he or she becomes capable of conveying that information.

6. Any individual aggrieved by a violation of this section or regulations promulgated by the department of health and senior services may bring a civil action for damages. If it is found in a civil action that:

(1) A person has negligently violated this section, the person is liable, for each violation, for:

(a) The greater of actual damages or liquidated damages of one thousand dollars; and

(b) Court costs and reasonable attorney's fees incurred by the person bringing the action; and

- (c) Such other relief, including injunctive relief, as the court may deem appropriate; or
- (2) A person has willfully or intentionally or recklessly violated this section, the person is liable, for each violation, for:
 - (a) The greater of actual damages or liquidated damages of five thousand dollars; and
 - (b) Exemplary damages; and
 - (c) Court costs and reasonable attorney's fees incurred by the person bringing the action; and
 - (d) Such other relief, including injunctive relief, as the court may deem appropriate.

7. No civil liability shall accrue to any health care provider as a result of making a good faith report to the department of health and senior services about a person reasonably believed to be infected with HIV, or cooperating in good faith with the department in an investigation determining whether a court order directing an individual to undergo HIV testing will be sought, or in participating in good faith in any judicial proceeding resulting from such a report or investigations; and any person making such a report, or cooperating with such an investigation or participating in such a judicial proceeding, shall be immune from civil liability as a result of such actions so long as taken in good faith.

(L. 1988 H.B. 1151 & 1044 § 3, A.L. 1992 S.B. 511 & 556 merged with S.B. 638, A.L. 1993 S.B. 233, A.L. 1996 S.B. 858, A.L. 1999 H.B. 191, A.L. 2002 H.B. 1756)

*... * These words appear twice in original rolls.

(1998) Prosecutors, judges and juries are public employees with a need to know for prosecutions pursuant to section 191.677. *State v. Mahan*, 971 S.W.2d 307 (Mo.banc).

Chapter 210

Child Protection and Reformation

210.110. Definitions.

As used in sections 210.109 to 210.165, and sections 210.180 to 210.183, the following terms mean:

(1) "Abuse", any physical injury, sexual abuse, or emotional abuse inflicted on a child other than by accidental means by those responsible for the child's care, custody, and control, except that discipline including spanking, administered in a reasonable manner, shall not be construed to be abuse. Victims of abuse shall also include any victims of sex trafficking or severe forms of trafficking as those terms are defined in 22 U.S.C. 78 Section 7102(9)-(10);

(2) "Assessment and treatment services for children under ten years old", an approach to be developed by the children's division which will recognize and treat the specific needs of at-risk and abused or neglected children under the age of ten. The developmental and medical assessment may be a broad physical, developmental, and mental health screening to be completed within thirty days of a child's entry into custody and every six months thereafter as long as the child remains in care. Screenings may be offered at a centralized location and include, at a minimum, the following:

(a) Complete physical to be performed by a pediatrician familiar with the effects of abuse and neglect on young children;

(b) Developmental, behavioral, and emotional screening in addition to early periodic screening, diagnosis, and treatment services, including a core set of standardized and recognized instruments as well as interviews with the child and appropriate caregivers. The screening battery may be performed by a licensed mental health professional familiar with the effects of abuse and neglect on young children, who will then serve as the liaison between all service providers in ensuring that needed services are provided. Such treatment services may include in-home services, out-of-home placement, intensive twenty-four-hour treatment services, family counseling, parenting training and other best practices.

Children whose screenings indicate an area of concern may complete a comprehensive, in-depth health, psychodiagnostic, or developmental assessment within sixty days of entry into custody;

(3) "Central registry", a registry of persons where the division has found probable cause to believe prior to August 28, 2004, or by a preponderance of the evidence after August 28, 2004, or a court has substantiated through court adjudication that the individual has committed child abuse or neglect or the person has pled guilty or has been found guilty of a crime pursuant to section 565.020, 565.021, 565.023, 565.024, 565.050, 566.030, 566.060, or 567.050 if the victim is a child less than eighteen years of age, or any other crime pursuant to chapter 566 if the victim is a child less than eighteen years of age and the perpetrator is twenty-one years of age or older, a crime under section 568.020, 568.030, 568.045, 568.050, 568.060, 568.080*, 568.090*, 573.023, 573.025, 573.035, 573.037, 573.040, 573.200, or 573.205, or an attempt to commit any such crimes. Any persons placed on the registry prior to August

28, 2004, shall remain on the registry for the duration of time required by section 210.152;

(4) "Child", any person, regardless of physical or mental condition, under eighteen years of age;

(5) "Children's services providers and agencies", any public, quasi-public, or private entity with the appropriate and relevant training and expertise in delivering services to children and their families as determined by the children's division, and capable of providing direct services and other family services for children in the custody of the children's division or any such entities or agencies that are receiving state moneys for such services;

(6) "Director", the director of the Missouri children's division within the department of social services;

(7) "Division", the Missouri children's division within the department of social services;

(8) "Family assessment and services", an approach to be developed by the children's division which will provide for a prompt assessment of a child who has been reported to the division as a victim of abuse or neglect by a person responsible for that child's care, custody or control and of that child's family, including risk of abuse and neglect and, if necessary, the provision of community-based services to reduce the risk and support the family;

(9) "Family support team meeting" or "team meeting", a meeting convened by the division or children's services provider in behalf of the family and/or child for the purpose of determining service and treatment needs, determining the need for placement and developing a plan for reunification or other permanency options, determining the appropriate placement of the child, evaluating case progress, and establishing and revising the case plan;

(10) "Investigation", the collection of physical and verbal evidence to determine if a child has been abused or neglected;

(11) "Jail or detention center personnel", employees and volunteers working in any premises or institution where incarceration, evaluation, care, treatment or rehabilitation is provided to persons who are being held under custody of the law;

(12) "Neglect", failure to provide, by those responsible for the care, custody, and control of the child, the proper or necessary support, education as required by law, nutrition or medical, surgical, or any other care necessary for the child's well-being. Victims of neglect shall also include any victims of sex trafficking or severe forms of trafficking as those terms are defined in 22 U.S.C. 78 Section 7102(9)-(10);

(13) "Preponderance of the evidence", that degree of evidence that is of greater weight or more convincing than the evidence which is offered in opposition to it or evidence which as a whole shows the fact to be proved to be more probable than not;

(14) "Probable cause", available facts when viewed in the light of surrounding circumstances which would cause a reasonable person to believe a child was abused or neglected;

(15) "Report", the communication of an allegation of child abuse or neglect to the division pursuant to section 210.115;

(16) "Those responsible for the care, custody, and control of the child", includes, but is not limited to:

(a) The parents or legal guardians of a child;

(b) Other members of the child's household;

(c) Those exercising supervision over a child for any part of a twenty-four-hour day;

(d) Any person who has access to the child based on relationship to the parents of the child or members of the child's household or the family; or

(e) Any person who takes control of the child by deception, force, or coercion.

(L. 1975 H.B. 578 § 1, A.L. 1982 H.B. 1171, et al., A.L. 1985 H.B. 366, et al., A.L. 1994 S.B. 595, A.L. 2000 S.B. 757 & 602, A.L. 2004 H.B. 1453, A.L. 2005 H.B. 568, A.L. 2016 H.B. 1877, A.L. 2017 S.B. 160)

Effective 6-22-17

*Section 568.080 was transferred to section 573.200 and section 568.090 was transferred to section 573.205 by S.B. 491, 2014, effective 1-01-17.

(2007) Provisions of this section requiring inclusion in the central registry before a finding of abuse or neglect by a preponderance of the evidence by the child Abuse and Neglect Review Board violate due process, and are invalid. *Jamison v. State*, 218 S.W.3d 399 (Mo.banc).

210.115. Reports of abuse, neglect, and under age eighteen deaths — persons required to report — supervisors and administrators not to impede reporting — deaths required to be reported to the division or child fatality review panel, when — report made to another state, when.

1. When any physician, medical examiner, coroner, dentist, chiropractor, optometrist, podiatrist, resident, intern, nurse, hospital or clinic personnel that are engaged in the examination, care, treatment or research of persons, and any other health practitioner, psychologist, mental health professional, social worker, day care center worker or other child-care worker, juvenile officer, probation or parole officer, jail or detention center personnel, teacher, principal or other school official, minister as provided by section 352.400, peace officer or law enforcement official, or other person with responsibility for the care of children has reasonable cause to suspect that a child has been or may be subjected to abuse or neglect or observes a child being subjected to conditions or circumstances which

would reasonably result in abuse or neglect, that person shall immediately report to the division in accordance with the provisions of sections 210.109 to 210.183. No internal investigation shall be initiated until such a report has been made. As used in this section, the term "**abuse**" is not limited to abuse inflicted by a person responsible for the child's care, custody and control as specified in section 210.110, but shall also include abuse inflicted by any other person.

2. If two or more members of a medical institution who are required to report jointly have knowledge of a known or suspected instance of child abuse or neglect, a single report may be made by a designated member of that medical team. Any member who has knowledge that the member designated to report has failed to do so shall thereafter immediately make the report. Nothing in this section, however, is meant to preclude any person from reporting abuse or neglect.

3. The reporting requirements under this section are individual, and no supervisor or administrator may impede or inhibit any reporting under this section. No person making a report under this section shall be subject to any sanction, including any adverse employment action, for making such report. Every employer shall ensure that any employee required to report pursuant to subsection 1 of this section has immediate and unrestricted access to communications technology necessary to make an immediate report and is temporarily relieved of other work duties for such time as is required to make any report required under subsection 1 of this section.

4. Notwithstanding any other provision of sections 210.109 to 210.183, any child who does not receive specified medical treatment by reason of the legitimate practice of the religious belief of the child's parents, guardian, or others legally responsible for the child, for that reason alone, shall not be found to be an abused or neglected child, and such parents, guardian or other persons legally responsible for the child shall not be entered into the central registry. However, the division may accept reports concerning such a child and may subsequently investigate or conduct a family assessment as a result of that report. Such an exception shall not limit the administrative or judicial authority of the state to ensure that medical services are provided to the child when the child's health requires it.

5. In addition to those persons and officials required to report actual or suspected abuse or neglect, any other person may report in accordance with sections 210.109 to 210.183 if such person has reasonable cause to suspect that a child has been or may be subjected to abuse or neglect or observes a child being subjected to conditions or circumstances which would reasonably result in abuse or neglect.

6. Any person or official required to report pursuant to this section, including employees of the division, who has probable cause to suspect that a child who is or may be under the age of eighteen, who is eligible to receive a certificate of live birth, has died shall report that fact to the appropriate medical examiner or coroner. If, upon review of the circumstances and medical information, the medical examiner or coroner determines that the child died of natural causes while under medical care for an established natural disease, the coroner, medical examiner or physician shall notify the division of the child's death and that the child's attending physician shall be signing the death certificate. In all other cases, the medical examiner or coroner shall accept the report for investigation, shall immediately notify the division of the child's death as required in section 58.452 and shall report the findings to the child fatality review panel established pursuant to section 210.192.

7. Any person or individual required to report may also report the suspicion of abuse or neglect to any law enforcement agency or juvenile office. Such report shall not, however, take the place of reporting to the division.

8. If an individual required to report suspected instances of abuse or neglect pursuant to this section has reason to believe that the victim of such abuse or neglect is a resident of another state or was injured as a result of an act which occurred in another state, the person required to report such abuse or neglect may, in lieu of reporting to the Missouri children's division, make such a report to the child protection agency of the other state with the authority to receive such reports pursuant to the laws of such other state. If such agency accepts the report, no report is required to be made, but may be made, to the children's division.

(L. 1975 H.B. 578 § 2, A.L. 1980 S.B. 574, A.L. 1982 H.B. 1171, et al., A.L. 1991 H.B. 185, A.L. 1993 S.B. 253 merged with S.B. 394, A.L. 1994 S.B. 595, A.L. 1998 H.B. 1556, A.L. 2000 S.B. 757 & 602, A.L. 2002 S.B. 923, et al., A.L. 2003 H.B. 445, A.L. 2013 H.B. 505, A.L. 2014 H.B. 1299 Revision)

CROSS REFERENCE:

Child abuse, ministers duty to report, 352.400

(1986) It has been held that a violation of this section does not give rise to a private cause of action. Doe "A" v. Special School District of St. Louis County, 637 F.Supp. 1138 (E.D. Mo.).

210.140. Privileged communication not recognized, exception.

Any legally recognized privileged communication, except that between attorney and client or involving communications made to a minister or clergyperson, shall not apply to situations involving known or suspected child abuse or neglect and shall not constitute grounds for failure to report as required or permitted by sections 210.110 to 210.165, to cooperate with the division in any of its activities pursuant to sections 210.110 to 210.165, or to give or accept evidence in any judicial proceeding relating to child abuse or neglect.

(L. 1975 H.B. 578 § 7, A.L. 1980 S.B. 574, A.L. 2001 S.B. 267)

(1984) "Situations" as used in this section restricting the invocation of certain privileged communications in child abuse proceedings includes both civil and criminal proceedings. *State ex rel. D.M. v. Hoester (Mo.banc)*, 681 S.W.2d 449.

Chapter 324

Occupations and Professions – General Provisions

324.003. Payment of fees, method — electronic application and renewal of licensure — written or electronic communications to licensing board, when. — Notwithstanding any other provision of law or administrative rule to the contrary, the division of professional registration and its component boards, committees, offices, and commissions shall permit:

(1) Any licensee to submit payment for fees so established in the form of personal check, money order, cashier's check, credit card, or electronic check as defined by section 407.432;

(2) Any applicant or licensee to apply for licensure or renew their license in writing or electronically; and

(3) Any licensee to make requests of their license-granting board or commission for extensions of time to complete continuing education, notify their license-granting board or commission of changes to name, business name, home address, or work address, and provide any other items required as part of licensure to their licensure board in writing or electronically.

(L. 2017 S.B. 501)

324.006. Spouse of active-duty military, first priority given to processing licensure applications.

All professional licensing boards and commissions shall give first priority to spouses of members of the active duty component of the Armed Forces of the United States in the processing of all professional licensure or certification applications.

(L. 2018 H.B. 1503)

324.008. Nonresident military spouse, temporary courtesy license to be issued upon transfer of active duty military spouse, when — rulemaking authority.

1. As used in this section, "nonresident military spouse" means a nonresident spouse of an active duty member of the Armed Forces of the United States who has been transferred or is scheduled to be transferred to the state of Missouri, is domiciled in the state of Missouri, or has moved to the state of Missouri on a permanent change-of-station basis.

2. Except as provided in subsection 6 of this section and notwithstanding any other provision of law, any agency of this state or board established under state law for the regulation of occupations and professions in this state shall, with respect to such occupation or profession that it regulates, by rule establish criteria for the issuance of a temporary courtesy license to a nonresident spouse of an active duty member of the military who is transferred to this state in the course of the member's military duty, so that, on a temporary basis, the nonresident military spouse may lawfully practice his or her occupation or profession in this state.

3. Notwithstanding provisions to the contrary, a nonresident military spouse shall receive a temporary courtesy license under subsection 2 of this section if, at the time of application, the nonresident military spouse:

(1) Holds a current license or certificate in another state, district, or territory of the United States with licensure requirements that the appropriate regulatory board or agency determines are equivalent to those established under Missouri law for that occupation or profession;

(2) Was engaged in the active practice of the occupation or profession for which the nonresident military spouse seeks a temporary license or certificate in a state, district, or territory of the United States for at least two of the five years immediately preceding the date of application under this section;

(3) Has not committed an act in any jurisdiction that would have constituted grounds for the refusal, suspension, or revocation of a license or certificate to practice that occupation or profession under Missouri law at the time the act was committed;

(4) Has not been disciplined by a licensing or credentialing entity in another jurisdiction and is not the subject of an unresolved complaint, review procedure, or disciplinary proceeding conducted by a licensing or credentialing entity in another jurisdiction;

(5) Authorizes the appropriate board or agency to conduct a criminal background check and pay for any costs associated with such background check;

(6) Pays any fees required by the appropriate board or agency for that occupation or profession; and

(7) Complies with other requirements as provided by the board.

4. Relevant full-time experience in the discharge of official duties in the military service or an agency of the federal government shall be credited in the counting of years of practice under subdivision (2) of subsection 3 of this section.

5. A temporary courtesy license or certificate issued under this section is valid for one hundred eighty days and may be extended at the discretion of the applicable regulatory board or agency for another one hundred eighty days on application of the holder of the temporary courtesy license or certificate.

6. This section shall not apply to the practice of law or the regulation of attorneys.

7. The appropriate board or agency shall promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2011, shall be invalid and void.

(L. 2011 H.B. 136)

324.009. Licensure reciprocity — definitions — requirements — inapplicability, when.

1. For purposes of this section, the following terms mean:

(1) "License", a license, certificate, registration, permit, accreditation, or military occupational speciality that enables a person to legally practice an occupation or profession in a particular jurisdiction;

(2) "Military", the Armed Forces of the United States including the Air Force, Army, Coast Guard, Marine Corps, Navy, Space Force, National Guard and any other military branch that is designated by Congress as part of the Armed Forces of the United States, and all reserve components and auxiliaries. Such term also includes the military reserves and militia of any United States territory or state;

(3) "Nonresident military spouse", a nonresident spouse of an active duty member of the Armed Forces of the United States who has been transferred or is scheduled to be transferred to the state of Missouri, or who has been transferred or is scheduled to be transferred to an adjacent state and is or will be domiciled in the state of Missouri, or has moved to the state of Missouri on a permanent change-of-station basis;

(4) "Oversight body", any board, department, agency, or office of a jurisdiction that issues licenses;

(5) "Resident military spouse", a spouse of an active duty member of the Armed Forces of the United States who has been transferred or is scheduled to be transferred to the state of Missouri or an adjacent state and who is a permanent resident of the state of Missouri, who is domiciled in the state of Missouri, or who has Missouri as his or her home of record.

2. Any person who holds a valid current license issued by another state, a branch or unit of the military, a territory of the United States, or the District of Columbia, and who has been licensed for at least one year in such other jurisdiction, may submit an application for a license in Missouri in the same occupation or profession, and at the same practice level, for which he or she holds the current license, along with proof of current licensure and proof of licensure for at least one year in the other jurisdiction, to the relevant oversight body in this state.

3. The oversight body in this state shall:

(1) Within six months of receiving an application described in subsection 2 of this section, waive any examination, educational, or experience requirements for licensure in this state for the applicant if it determines that there were minimum education requirements and, if applicable, work experience and clinical supervision requirements in effect and the other state verifies that the person met those requirements in order to be licensed or certified in that state. An oversight body that administers an examination on laws of this state as part of its licensing application requirement may require an applicant to take and pass an examination specific to the laws of this state; or

(2) Within thirty days of receiving an application described in subsection 2 of this section from a nonresident military spouse or a resident military spouse, waive any examination, educational, or experience requirements for licensure in this state for the applicant and issue such applicant a license under this section if such applicant otherwise meets the requirements of this section.

4. (1) The oversight body shall not waive any examination, educational, or experience requirements for any applicant who has had his or her license revoked by an oversight body outside the state; who is currently under investigation, who has a complaint pending, or who is currently under disciplinary action, except as provided in subdivision (2) of this subsection, with an oversight body outside the state; who does not hold a license in good standing with an oversight body outside the state; who has a criminal record that would disqualify him or her for licensure in Missouri; or who does not hold a valid current license in the other jurisdiction on the date the oversight body receives his or her application under this section.

(2) If another jurisdiction has taken disciplinary action against an applicant, the oversight body shall

determine if the cause for the action was corrected and the matter resolved. If the matter has not been resolved by that jurisdiction, the oversight body may deny a license until the matter is resolved.

5. Nothing in this section shall prohibit the oversight body from denying a license to an applicant under this section for any reason described in any section associated with the occupation or profession for which the applicant seeks a license.

6. Any person who is licensed under the provisions of this section shall be subject to the applicable oversight body's jurisdiction and all rules and regulations pertaining to the practice of the licensed occupation or profession in this state.

7. This section shall not be construed to waive any requirement for an applicant to pay any fees, post any bonds or surety bonds, or submit proof of insurance associated with the license the applicant seeks.

8. This section shall not apply to business, professional, or occupational licenses issued or required by political subdivisions.

9. The provisions of this section shall not impede an oversight body's authority to require an applicant to submit fingerprints as part of the application process.

10. The provisions of this section shall not apply to an oversight body that has entered into a licensing compact with another state for the regulation of practice under the oversight body's jurisdiction. The provisions of this section shall not be construed to alter the authority granted by, or any requirements promulgated pursuant to, any interjurisdictional or interstate compacts adopted by Missouri statute or any reciprocity agreements with other states in effect on August 28, 2018, and whenever possible this section shall be interpreted so as to imply no conflict between it and any compact, or any reciprocity agreements with other states in effect on August 28, 2018.

11. Notwithstanding any other provision of law, a license issued under this section shall be valid only in this state and shall not make a licensee eligible to be part of an interstate compact. An applicant who is licensed in another state pursuant to an interstate compact shall not be eligible for licensure by an oversight body under the provisions of this section.

12. The provisions of this section shall not apply to any occupation set forth in subsection 6 of section 290.257, or any electrical contractor licensed under sections 324.900 to 324.945.

(L. 2018 S.B. 840, A.L. 2020 H.B. 1511 & 1452, A.L. 2020 H.B. 2046, A.L. 2021 H.B. 273 merged with H.B. 476)

324.013. Age, denial of licensure, prohibited, when.

1. For purposes of this section, the following terms mean:

(1) "License", a license, certificate, registration, permit, or accreditation that enables a person to legally practice an occupation, profession, or activity in the state;

(2) "Oversight body", any board, department, agency, or office of the state that issues licenses. The term "oversight body" shall not include any political subdivision.

2. An oversight body shall not deny any person eighteen years of age or older a license on the basis of age unless the license enables a person to operate a school bus owned by or under contract with a public school or the state board of education, transport hazardous material, use explosives, or engage in any activity associated with gaming.

(L. 2018 H.B. 1719)

324.015. Fees, waiver of, when — definitions — procedure — rulemaking authority.

1. For purposes of this section, the following terms mean:

(1) "Licensing authority", any agency, examining board, credentialing board, or other office with the authority to impose occupational fees or licensing requirements on any occupation or profession;

(2) "Licensing requirement", any required training, education, or fee to work in a specific occupation or profession;

(3) "Low-income individual", any individual:

(a) Whose household adjusted gross income is below one hundred thirty percent of the federal poverty line or a higher threshold to be set by the department of commerce and insurance by rule; or

(b) Who is enrolled in a state or federal public assistance program including, but not limited to, Temporary Assistance for Needy Families, the MO HealthNet program, or the Supplemental Nutrition Assistance Program;

(4) "Military families", any active duty service members and their spouses and honorably discharged veterans and their spouses. The term "military families" includes surviving spouses of deceased service members who have not remarried;

(5) "Occupational fee", a fee or tax on professionals or businesses that is charged for the privilege of providing goods or services within a certain jurisdiction;

(6) "Political subdivision", any city, town, village, or county.

2. All state and political subdivision licensing authorities shall waive all occupational fees and any other fees associated with licensing requirements for military families and low-income individuals for a period of two years beginning on the date an application is approved under subsection 3 of this section. Military families and low-income individuals whose applications are approved shall not be required to pay any occupational fees that become due during the two-year period.
3. Any individual seeking a waiver described under subsection 2 of this section shall apply to the appropriate licensing authority in a format prescribed by the licensing authority. The licensing authority shall approve or deny the application within thirty days of receipt.
4. An individual shall be eligible to receive only one waiver under this section from each licensing authority.
5. The waiver described under subsection 2 of this section shall not apply to fees required to obtain business licenses.
6. State licensing authorities and the department of commerce and insurance shall promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2018, shall be invalid and void. (L. 2018 S.B. 843)

324.028. Forfeiture of membership on board or council for missing meetings.

Any member authorized under the provisions of sections 256.459, 324.063, 324.177, 324.203, 324.243, 324.406, 324.478, 326.259, 327.031, 329.015, 330.110, 331.090, 332.021, 333.151, 334.120, 334.430, 334.625, 334.717, 334.749, 334.830, 335.021, 336.130, 337.050, 337.305, 337.535, 337.622, 337.739, 338.110, 339.120, 340.202, 345.080, and 346.120 who misses three consecutive regularly scheduled meetings of the board or council on which he serves shall forfeit his membership on that board or council. A new member shall be appointed to the respective board or council by the governor with the advice and consent of the senate. (L. 2008 S.B. 788, A.L. 2018 S.B. 975 & 1024 Revision)

324.046. Suicide assessment, referral, treatment and management training required for health care professional licensure.

1. For the purposes of this section, the term "health care professional" shall mean a physician, other health care practitioner, or mental health professional licensed, accredited, or certified by the state of Missouri to perform specified health services.
2. Any health care professional in the state of Missouri may annually complete training in the areas of suicide assessment, referral, treatment, and management, which may qualify as part of the continuing education requirements for his or her licensure. (L. 2018 H.B. 1719)

324.047. Guidelines for regulation of certain occupations and professions — definitions — limitation on state regulation, requirements — reports.

1. The purpose of this section is to promote general welfare by establishing guidelines for the regulation of occupations and professions not regulated prior to January 1, 2019, and guidelines for combining any additional occupations or professions under a single license regulated by the state prior to January 1, 2019.
2. For purposes of this section, the following terms mean:
 - (1) "Applicant group", any occupational or professional group or organization, any individual, or any other interested party that seeks to be licensed or further regulated or supports any bill that proposes to combine any additional occupations or professions under a single license regulated by the state prior to January 1, 2019;
 - (2) "Certification", a program in which the government grants nontransferable recognition to an individual who meets personal qualifications established by a regulatory entity. Upon approval, the individual may use "certified" as a designated title. This term shall not be synonymous with an occupational license;
 - (3) "Department", the department of commerce and insurance;
 - (4) "Director", the director of the division of professional registration;
 - (5) "Division", the division of professional registration;
 - (6) "General welfare", the concern of the government for the health, peace, morality, and safety of its residents;

(7) "Lawful occupation", a course of conduct, pursuit, or profession that includes the sale of goods or services that are not themselves illegal to sell irrespective of whether the individual selling them is subject to an occupational regulation;

(8) "Least restrictive type of occupational regulation", the regulation that is least restrictive, in which the following list of regulations in order from least to most restrictive is used to make such determination:

- (a) Bonding or insurance;
- (b) Registration;
- (c) Certification;
- (d) Occupational license;

(9) "Occupational license", a nontransferable authorization in law for an individual to perform a lawful occupation for compensation based on meeting personal qualifications established by a regulatory entity and that, if not possessed, prohibits the individual from performing the occupation for compensation;

(10) "Occupational regulation", a statute, ordinance, rule, practice, policy, or other law requiring an individual to possess certain personal qualifications to work in a lawful occupation;

(11) "Personal qualifications", criteria related to an individual's personal background, including completion of an approved educational program, satisfactory performance on an examination, work experience, criminal history, and completion of continuing education;

(12) "Practitioner", an individual who has achieved knowledge and skill by practice and is actively engaged in a specified occupation or profession;

(13) "Registration", a requirement established by the general assembly in which an individual:

- (a) Submits notification to a state agency; and
- (b) May use "registered" as a designated title.

Notification may include the individual's name and address, the individual's agent for service of process, the location of the activity to be performed, and a description of the service the individual provides. Registration may include a requirement to post a bond but does not include education or experience requirements. If the requirement of registration is not met, the individual is prohibited from performing the occupation for compensation or using "registered" as a designated title. The term "registration" shall not be synonymous with an occupational license;

(14) "Regulatory entity", any board, commission, agency, division, or other unit or subunit of state government that regulates one or more professions, occupations, industries, businesses, or other endeavors in this state;

(15) "State agency", every state office, department, board, commission, regulatory entity, and agency of the state. The term "state agency" includes, if provided by law, programs and activities involving less than the full responsibility of a state agency;

(16) "Substantial burden", a requirement in an occupational regulation that imposes significant difficulty or cost on an individual seeking to enter into or continue in a lawful occupation and is more than an incidental burden.

3. All individuals may engage in the occupation of their choice, free from unreasonable government regulation. The state shall not impose a substantial burden on an individual's pursuit of his or her occupation or profession unless there is a reasonable interest for the state to protect the general welfare. If such an interest exists, the regulation adopted by the state shall be the least restrictive type of occupational regulation consistent with the public interest to be protected.

4. All bills introduced in the general assembly to regulate, pursuant to subsection 6 of this section, an occupation or profession shall be reviewed according to the following criteria. An occupation or profession shall be regulated by the state if:

(1) Unregulated practice could cause harm and endanger the general welfare, and the potential for further harm and endangerment is recognizable;

(2) The public can reasonably be expected to benefit from an assurance of personal qualifications; and

(3) The general welfare cannot be sufficiently protected by other means.

5. After evaluating the criteria in subdivision (3) of this subsection and considering governmental, economic, and societal costs and benefits, if the general assembly finds that the state has a reasonable interest in regulating, pursuant to subsection 6 of this section, an occupation or profession not previously regulated by law, the most efficient form of regulation shall be implemented, consistent with this section and with the need to protect the general welfare, as follows:

(1) If the threat to the general welfare resulting from the practitioner's services is easily predictable, the regulation shall implement a system of insurance, bonding, or registration;

(2) If the consumer has challenges accessing credentialing information or possesses significantly less information on how to report abuses such that the practitioner puts the consumer in a disadvantageous position relative to the practitioner to judge the quality of the practitioner's services, the regulation shall implement a

system of certification; and

(3) If other regulatory structures, such as bonding, insurance, registration, and certification, insufficiently protect the general welfare from recognizable harm, the regulation shall implement a system of licensing.

6. After January 1, 2019, any relevant regulatory entity shall report, and the department shall make available to the general assembly, upon the filing of a bill that proposes additional regulation of a profession or occupation currently regulated by the regulatory entity, the following factors to the department:

(1) A description of the professional or occupational group proposed for expansion of regulation, including the number of individuals or business entities that would be subject to regulation to the extent that such information is available; the names and addresses of associations, organizations, and other groups representing the practitioners; and an estimate of the number of practitioners in each group;

(2) Whether practice of the profession or occupation proposed for expansion of regulation requires such a specialized skill that the public is not qualified to select a competent practitioner without assurances that minimum qualifications have been met;

(3) The nature and extent of potential harm to the public if the profession or occupation is not regulated as described in the bill, the extent to which there is a threat to the general welfare, and production of evidence of potential harm, including a description of any complaints filed with state law enforcement authorities, courts, departmental agencies, professional or occupational boards, and professional and occupational associations that have been lodged against practitioners of the profession or occupation in this state within the past five years. Notwithstanding the provisions of this section or any other section, the relevant regulatory entity shall provide, and the department shall make available to the general assembly, the information relating to such complaints even if the information is considered a closed record or otherwise confidential; except that, the regulatory entity and the department shall redact names and other personally identifiable information from the information released;

(4) A description of the voluntary efforts made by practitioners of the profession or occupation to protect the public through self-regulation, private certifications, membership in professional or occupational associations, or academic credentials and a statement of why these efforts are inadequate to protect the public;

(5) The extent to which expansion of regulation of the profession or occupation will increase the cost of goods or services provided by practitioners and the overall cost-effectiveness and economic impact of the proposed regulation, including the direct cost to the government and the indirect costs to consumers;

(6) The extent to which expansion of regulation of the profession or occupation would increase or decrease the availability of services to the public;

(7) The extent to which existing legal remedies are inadequate to prevent or redress the kinds of harm potentially resulting from the lack of the requirements outlined in the bill;

(8) Why bonding and insurance, registration, certification, occupational license to practice, or another type of regulation is being proposed, why that regulatory alternative was chosen, and whether the proposed method of regulation is appropriate;

(9) A list of other states that regulate the profession or occupation, the type of regulation, copies of other states' laws, and available evidence from those states of the effect of regulation on the profession or occupation in terms of a before-and-after analysis;

(10) The details of any previous efforts in this state to implement regulation of the profession or occupation;

(11) Whether the proposed requirements for regulation exceed the national industry standards of minimal competence, if such standards exist, and what those standards are if they exist; and

(12) The method proposed to finance the proposed regulation and financial data pertaining to whether the proposed regulation can be reasonably financed by current or proposed licensees through dedicated revenue mechanisms.

7. If no existing regulatory entity regulates the occupation or profession to be regulated in the bill, the department shall report and make available to the general assembly, upon the filing of a bill after January 1, 2019, that proposes new regulation of a profession or occupation, the following factors:

(1) A description of the professional or occupational group proposed for regulation, including the number of individuals or business entities that would be subject to regulation to the extent that such information is available; the names and addresses of associations, organizations, and other groups representing the practitioners; and an estimate of the number of practitioners in each group;

(2) The nature and extent of potential harm to the public if the profession or occupation is not regulated, the extent to which there is a threat to the general welfare, and production of evidence of potential harm, including a description of any complaints filed with state law enforcement authorities, courts, departmental agencies, professional or occupational boards, and professional and occupational associations that have been lodged against practitioners of the profession or occupation in this state within the past five years. Notwithstanding the provisions of this section or any other section, the department shall release the information relating to such complaints even if the information is considered a closed record or otherwise confidential; except that, the

department shall redact names and other personally identifiable information from the information released;

(3) A list of other states that regulate the profession or occupation, the type of regulation, copies of other states' laws, and available evidence from those states of the effect of regulation on the profession or occupation in terms of a before-and-after analysis;

(4) The details of any previous efforts in this state to implement regulation of the profession or occupation; and

(5) Whether the proposed requirements for regulation exceed the national industry standards of minimal competence, if such standards exist, and what those standards are if they exist.

8. After January 1, 2019, applicant groups may report to the department, and the department shall make available to the general assembly, any of the information required in subsection 6 or 7 of this section and whether the profession or occupation plans to apply for mandated benefits.

(L. 2018 H.B. 1500 merged with H.B. 1719)

Chapter 383

Malpractice Insurance

383.133. Reports by hospitals, ambulatory surgical centers and licensing authorities, when, contents, limited use, penalty.

1. The chief executive office or similarly empowered official of any hospital, ambulatory surgical center, as such terms are defined in chapter 197, temporary nursing staffing agency, nursing home, any nursing facility as such term is defined in chapter 198, or any entity that employs or contracts with licensed health care professionals to provide health care services to individuals shall report to the appropriate health care professional licensing authority any disciplinary action against any health care professional or the voluntary resignation of any health care professional against whom any complaints or reports have been made which might have led to disciplinary action.

2. All reports required by this section shall be submitted within fifteen days of the final disciplinary action and shall contain, but need not be limited to, the following information:

(1) The name, address and telephone number of the person making the report;

(2) The name, address and telephone number of the person who is the subject of the report;

(3) A description of the facts, including as much detail and information as possible, which gave rise to the issuance of the report, including the dates of occurrence deemed to necessitate the filing of the report;

(4) If court action is involved and known to the reporting agent, the identity of the court, including the date of filing and the docket number of the action.

3. Upon request, the licensing authority may furnish a report of any disciplinary action received by it under the provisions of this section to any entity required to report under this section. Such licensing authority may also furnish, upon request, a report of disciplinary action taken by the licensing authority to any other administrative or law enforcement agency acting within the scope of its statutory authority.

4. There shall be no liability on the part of, and no cause of action of any nature shall arise against any health care professional licensing authority or any entity required to report under this section, or any of their agents or employees for any action taken in good faith and without malice in carrying out the provisions of this section.

5. Neither a report required to be filed under subsection 2 of this section nor the record of any proceeding shall be used against a health care professional in any other administrative or judicial proceeding.

6. Violation of any provision of this section is an infraction.

(L. 1986 S.B. 663 § 2, A.L. 2007 H.B. 780 merged with S.B. 308, A.L. 2010 H.B. 2226, et al.)

(2001) *Statements made in incident report by hospital to state board of nursing about nurse were not, in absence of actual proceedings pending against that nurse, entitled to absolute immunity from nurse's libel claim. Haynes-Wilkinson v. Barnes-Jewish Hospital, 131 F.Supp.2d 1140 (E.D.Mo.).*

Chapter 431

General Provisions as to Contracts

431.055. Persons competent to contract when eighteen years of age.

The legal age at which a person becomes competent to contract in Missouri is eighteen years and any rule or provision of the common law to the contrary is hereby abrogated.

(L. 1974 2d Ex. Sess. S.B. 3 § 2)

Effective 1-7-75

CROSS REFERENCE:

Conveyances by minors binding, when, RSMo 442.080

(1979) Covenant not to sue is contract within meaning of term "contract" as to 18 years of age as legal age at which person becomes competent to contract. Holoman v. Harris (A.), 585 S.W.2d 530.

431.061. Consent to surgical or medical treatment, who may give, when.

1. In addition to such other persons as may be so authorized and empowered, any one of the following persons if otherwise competent to contract, is authorized and empowered to consent, either orally or otherwise, to any surgical, medical, or other treatment or procedures, including immunizations, not prohibited by law:

(1) Any adult eighteen years of age or older for himself;

(2) Any parent for his minor child in his legal custody;

(3) Any minor who has been lawfully married and any minor parent or legal custodian of a child for himself, his child and any child in his legal custody;

(4) Any minor for himself in case of:

(a) Pregnancy, but excluding abortions;

(b) Venereal disease;

(c) Drug or substance abuse including those referred to in chapter 195;

(5) Any adult standing in loco parentis, whether serving formally or not, for his minor charge in case of emergency as defined in section 431.063;

(6) Any guardian of the person for his ward;

(7) Any relative caregiver of a minor child as provided for under section 431.058.

2. The provisions of sections 431.061 and 431.063 shall be liberally construed, and all relationships set forth in subsection 1 of this section shall include the adoptive and step-relationship as well as the natural relationship and the relationship by the half blood as well as by the whole blood.

3. A consent by one person so authorized and empowered shall be sufficient notwithstanding that there are other persons so authorized and empowered or that such other persons shall refuse or decline to consent or shall protest against the proposed surgical, medical or other treatment or procedures.

4. Any person acting in good faith and not having been put on notice to the contrary shall be justified in relying on the representations of any person purporting to give such consent, including, but not limited to, his identity, his age, his marital status, and his relationship to any other person for whom the consent is purportedly given.

(L. 1971 H.B. 73 § 1, A.L. 1977 S.B. 48, A.L. 2014 S.B. 532)

CROSS REFERENCES:

Consent to immunization may be delegated to relative caregivers, when, 431.058

Mandatory insurance coverage of immunizations, exceptions, 376.1215

(1985) Section 431.062, RSMo, requires that a parent must expressly agree to pay for any treatment provided under this section, or he is not liable for such payment. Missouri Osteopathic Foundation v. Ott, (A.) 702 S.W.2d 495.

431.062. Minor cannot disaffirm contract, when — parents or guardian not liable, exception — disclosure by physician authorized, when.

Whenever a minor is examined, treated, hospitalized, or receives medical or surgical care under subdivision (4) of subsection 1 of section 431.061:

(1) His consent shall not be subject to disaffirmance or revocation because of minority;

(2) The parent, parents, conservator, or relative caregiver shall not be liable for payment for such care unless the parent, parents, conservator, or relative caregiver has expressly agreed to pay for such care;

(3) A physician or surgeon may, with or without the consent of the minor patient, advise the parent, parents, conservator, or relative caregiver of the examination, treatment, hospitalization, medical and surgical care given or needed if the physician or surgeon has reason to know the whereabouts of the parent, parents, conservator, or relative caregiver. Such notification or disclosure shall not constitute libel or slander, a violation of the right of privacy or a violation of the rule of privileged communication. In the event that the minor is found not to be pregnant or not afflicted with a venereal disease or not suffering from drug or substance abuse, then no information with respect to any appointment, examination, test or other medical procedure shall be given to the parent, parents, conservator, relative caregiver, or any other person.

(L. 1971 H.B. 73 § 2, A.L. 1983 S.B. 44 & 45, A.L. 1987 H.B. 357, A.L. 2014 S.B. 532)

Chapter 452

Dissolution of Marriage, Divorce, Alimony and Separate Maintenance

452.375. Custody — definitions — factors determining custody — prohibited, when — public policy of state — custody options — findings required, when — parent plan required — access to records — joint custody not to preclude child support — support, how determined — domestic violence or abuse, specific findings.

1. As used in this chapter, unless the context clearly indicates otherwise:

(1) “Custody” means joint legal custody, sole legal custody, joint physical custody or sole physical custody or any combination thereof;

(2) “Joint legal custody” means that the parents share the decision-making rights, responsibilities, and authority relating to the health, education and welfare of the child, and, unless allocated, apportioned, or decreed, the parents shall confer with one another in the exercise of decision-making rights, responsibilities, and authority;

(3) “Joint physical custody” means an order awarding each of the parents significant, but not necessarily equal, periods of time during which a child resides with or is under the care and supervision of each of the parents. Joint physical custody shall be shared by the parents in such a way as to assure the child of frequent, continuing and meaningful contact with both parents;

(4) “Third-party custody” means a third party designated as a legal and physical custodian pursuant to subdivision (5) of subsection 5 of this section.

2. The court shall determine custody in accordance with the best interests of the child. When the parties have not reached an agreement on all issues related to custody, the court shall consider all relevant factors and enter written findings of fact and conclusions of law, including, but not limited to, the following:

(1) The wishes of the child’s parents as to custody and the proposed parenting plan submitted by both parties;

(2) The needs of the child for a frequent, continuing and meaningful relationship with both parents and the ability and willingness of parents to actively perform their functions as mother and father for the needs of the child;

(3) The interaction and interrelationship of the child with parents, siblings, and any other person who may significantly affect the child’s best interests;

(4) Which parent is more likely to allow the child frequent, continuing and meaningful contact with the other parent;

(5) The child’s adjustment to the child’s home, school, and community;

(6) The mental and physical health of all individuals involved, including any history of abuse of any individuals involved. If the court finds that a pattern of domestic violence as defined in section 455.010 has occurred, and, if the court also finds that awarding custody to the abusive parent is in the best interest of the child, then the court shall enter written findings of fact and conclusions of law. Custody and visitation rights shall be ordered in a manner that best protects the child and any other child or children for whom the parent has custodial or visitation rights, and the parent or other family or household member who is the victim of domestic violence from any further harm;

(7) The intention of either parent to relocate the principal residence of the child; and

(8) The wishes of a child as to the child’s custodian. The fact that a parent sends his or her child or children to a home school, as defined in section 167.031, shall not be the sole factor that a court considers in determining custody of such child or children.

3. (1) In any court proceedings relating to custody of a child, the court shall not award custody or unsupervised visitation of a child to a parent if such parent or any person residing with such parent has been found guilty of, or pled guilty to, any of the following offenses when a child was the victim:

(a) A felony violation of section 566.030, 566.032, 566.031*, 566.060, 566.062, 566.064, 566.067, 566.068, 566.061*, 566.083, 566.101*, 566.100, 566.111, 566.151, 566.203, 566.206, 566.209, 566.211**, or 566.215;

(b) A violation of section 568.020;

(c) A violation of subdivision (2) of subsection 1 of section 568.060;

(d) A violation of section 568.065;

(e) A violation of section 573.200**;

(f) A violation of section 573.205**;

(g) A violation of section 568.175.

(2) For all other violations of offenses in chapters 566 and 568 not specifically listed in subdivision (1) of this subsection or for a violation of an offense committed in another state when a child is the victim that would be a violation of chapter 566 or 568 if committed in Missouri, the court may exercise its discretion in awarding custody or visitation of a child to a parent if such parent or any person residing with such parent has been found guilty of, or pled guilty to, any such offense.

4. The general assembly finds and declares that it is the public policy of this state that frequent, continuing and meaningful contact with both parents after the parents have separated or dissolved their marriage is in the best interest of the child, except for cases where the court specifically finds that such contact is not in the best interest of the child, and that it is the public policy of this state to encourage parents to participate in decisions affecting the health, education and welfare of their children, and to resolve disputes involving their children amicably through alternative dispute resolution. In order to effectuate these policies, the court shall determine the custody arrangement which will best assure both parents participate in such decisions and have frequent, continuing and meaningful contact with their children so long as it is in the best interests of the child.

5. Prior to awarding the appropriate custody arrangement in the best interest of the child, the court shall consider each of the following as follows:

(1) Joint physical and joint legal custody to both parents, which shall not be denied solely for the reason that one parent opposes a joint physical and joint legal custody award. The residence of one of the parents shall be designated as the address of the child for mailing and educational purposes;

(2) Joint physical custody with one party granted sole legal custody. The residence of one of the parents shall be designated as the address of the child for mailing and educational purposes;

(3) Joint legal custody with one party granted sole physical custody;

(4) Sole custody to either parent; or

(5) Third-party custody or visitation:

(a) When the court finds that each parent is unfit, unsuitable, or unable to be a custodian, or the welfare of the child requires, and it is in the best interests of the child, then custody, temporary custody or visitation may be awarded to any other person or persons deemed by the court to be suitable and able to provide an adequate and stable environment for the child. Before the court awards custody, temporary custody or visitation to a third person under this subdivision, the court shall make that person a party to the action;

(b) Under the provisions of this subsection, any person may petition the court to intervene as a party in interest at any time as provided by supreme court rule.

6. If the parties have not agreed to a custodial arrangement, or the court determines such arrangement is not in the best interest of the child, the court shall include a written finding in the judgment or order based on the public policy in subsection 4 of this section and each of the factors listed in subdivisions (1) to (8) of subsection 2 of this section detailing the specific relevant factors that made a particular arrangement in the best interest of the child. If a proposed custodial arrangement is rejected by the court, the court shall include a written finding in the judgment or order detailing the specific relevant factors resulting in the rejection of such arrangement.

7. Upon a finding by the court that either parent has refused to exchange information with the other parent, which shall include but not be limited to information concerning the health, education and welfare of the child, the court shall order the parent to comply immediately and to pay the prevailing party a sum equal to the prevailing party's cost associated with obtaining the requested information, which shall include but not be limited to reasonable attorney's fees and court costs.

8. As between the parents of a child, no preference may be given to either parent in the awarding of custody because of that parent's age, sex, or financial status, nor because of the age or sex of the child. The court shall not presume that a parent, solely because of his or her sex, is more qualified than the other parent to act as a joint or sole legal or physical custodian for the child.

9. Any judgment providing for custody shall include a specific written parenting plan setting forth the terms of such parenting plan arrangements specified in subsection 8 of section 452.310. Such plan may be a parenting plan submitted by the parties pursuant to section 452.310 or, in the absence thereof, a plan determined by the court, but in all cases, the custody plan approved and ordered by the court shall be in the court's discretion and shall be in the best interest of the child.

10. After August 28, 2016, every court order establishing or modifying custody or visitation shall include the following language: "In the event of noncompliance with this order, the aggrieved party may file a verified motion for contempt. If custody, visitation, or third-party custody is denied or interfered with by a parent or third party without good cause, the aggrieved person may file a family access motion with the court stating the specific facts that constitute a violation of the custody provisions of the judgment of dissolution, legal separation, or judgment of paternity. The circuit clerk will provide the aggrieved party with an explanation of the procedures for filing a family access motion and a simple form for use in filing the family access motion. A family access motion does not require the assistance of legal counsel to prepare and file."

11. No court shall adopt any local rule, form, or practice requiring a standardized or default parenting plan for interim, temporary, or permanent orders or judgments. Notwithstanding any other provision to the contrary, a court may enter an interim order in a proceeding under this chapter, provided that the interim order shall not contain any provisions about child custody or a parenting schedule or plan without first providing the parties with notice and a hearing, unless the parties otherwise agree.

12. Unless a parent has been denied custody rights pursuant to this section or visitation rights under section 452.400, both parents shall have access to records and information pertaining to a minor child including, but not limited to, medical, dental, and school records. If the parent without custody has been granted restricted or supervised visitation because the court has found that the parent with custody or any child has been the victim of domestic violence, as defined in section 455.010, by the parent without custody, the court may order that the reports and records made available pursuant to this subsection not include the address of the parent with custody or the child. Unless a parent has been denied custody rights pursuant to this section or visitation rights under section 452.400, any judgment of dissolution or other applicable court order shall specifically allow both parents access to such records and reports.

13. Except as otherwise precluded by state or federal law, if any individual, professional, public or private institution or organization denies access or fails to provide or disclose any and all records and information, including, but not limited to, past and present dental, medical and school records pertaining to a minor child, to either parent upon the written request of such parent, the court shall, upon its finding that the individual, professional, public or private institution or organization denied such request without good cause, order that party to comply immediately with such request and to pay to the prevailing party all costs incurred, including, but not limited to, attorney's fees and court costs associated with obtaining the requested information.

14. An award of joint custody does not preclude an award of child support pursuant to section 452.340 and applicable supreme court rules. The court shall consider the factors contained in section 452.340 and applicable supreme court rules in determining an amount reasonable or necessary for the support of the child.

15. If the court finds that domestic violence or abuse as defined in section 455.010 has occurred, the court shall make specific findings of fact to show that the custody or visitation arrangement ordered by the court best protects the child and the parent or other family or household member who is the victim of domestic violence, as defined in section 455.010, and any other children for whom such parent has custodial or visitation rights from any further harm.

(L. 1973 H.B. 315 § 16, A.L. 1982 S.B. 468, A.L. 1983 S.B. 94, A.L. 1984 H.B. 1513 subsecs. 1 to 5, 7, A.L. 1986 H.B. 1479, A.L. 1988 H.B. 1272, et al., A.L. 1989 H.B. 422, A.L. 1990 H.B. 1370, et al., A.L. 1993 S.B. 180, A.L. 1995 S.B. 174, A.L. 1998 S.B. 910, A.L. 2004 H.B. 1453, A.L. 2005 H.B. 568, A.L. 2011 S.B. 320, A.L. 2016 H.B. 1550)

*The following sections were transferred by H.B. 215, 2013, effective 8-28-13: 566.040 to 566.031 566.070 to 566.061 566.090 to 566.101

**The following sections were transferred by S.B. 491, 2014, effective 1-01-17: 566.212 to 566.211 568.080 to 573.200 568.090 to 573.205

(1976) *The desirability of awarding custody of children of tender years, especially girls, to their mother should not be indulged in to the extent of excluding all other relevant matters.* R.G.T. v. Y.G.T. (A.), 543 S.W.2d 330.

(1976) *Child support portion of decree ordering husband to "maintain and provide for the necessities for the two children born of this marriage" held to be indefinite and void. Since it is a judgment for money, decree must specify with certainty the amount for which it is rendered.* Cradic v. Cradic (A.), 544 S.W.2d 605.

(1977) *Held, giving father temporary custody of children five times a year was abuse of discretion when children lived in Maine and father in Missouri.* Taylor v. Taylor (A.), 548 S.W.2d 866.

(1985) *Held that this section does not require agreement between the parties as a prerequisite of joint custody. The court may order joint custody over the objection of a parent.* Goldberg v. Goldberg (A.), 691 S.W.2d 312.

(1987) *Husband was properly awarded the house and custody of the children and wife's visitation rights were properly limited in view of wife's decision to openly practice homosexuality and court was not in error for amending judgment of decree ten days after it had been entered into the record taking the home, custody of the children, maintenance and support away from wife after husband discovered his wife's homosexual relations.* S.E.G. v. R.A.G., 735 S.W.2d 164 (Mo.App.E.D.).

(2003) *Provision prohibiting sole consideration of home schooling in custody determination applies to issue of whether such a factor constitutes a change in circumstances warranting modification.* Heslop v. Sanderson, 123 S.W.3d 214 (Mo.App.W.D.).